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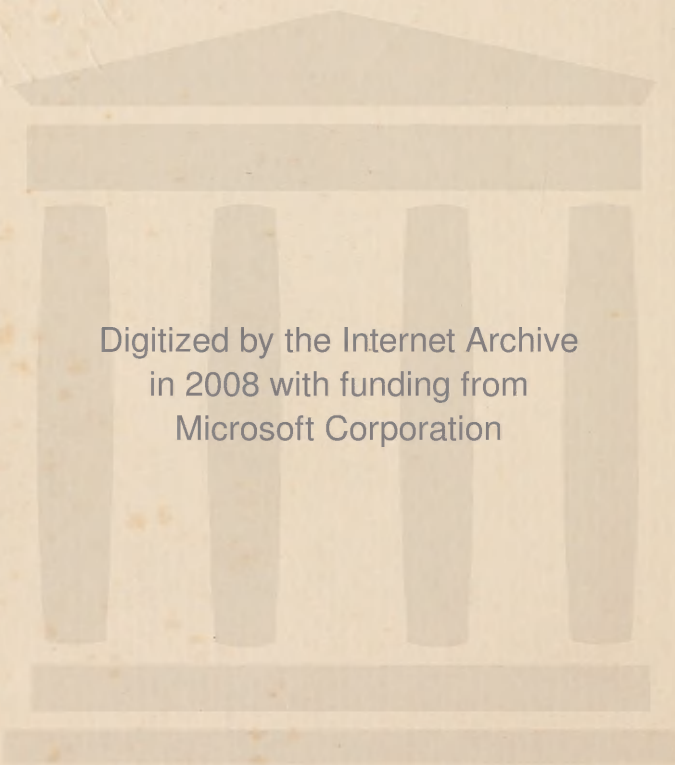
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BEING

AN EXAMINATION OF SEVEN QUESTIONS
OF THE DAY

BY

WILLIAM SAMUEL LILLY

HONORARY FELLOW OF PETERHOUSE, CAMBRIDGE

ἐγὼ δὲ τίνων εἰμι ; τῶν ἡδέως μὲν ἂν ἐλεγχθέντων, εἴ τι μὴ ἀληθὲς λέγω,
ἡδέως δ' ἂν ἐλεγχάντων, εἴ τίς τι μὴ ἀληθὲς λέγοι, οὐκ ἀηδέστερον μέντ'
ἂν ἐλεγχθέντων ἢ ἐλεγχάντων. οὐδὲν γὰρ οἶμαι τοσοῦτον κακὸν εἶναι
ἀνθρώπῳ, ὅσον δόξα ψευδὴς περὶ ὧν τυγχάνει νῦν ἡμῖν ὁ λόγος ὢν.

—PLATO.

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B. Herder, 17, South Broadway.

1911

TO

WILLIAM LEONARD COURTNEY

FELLOW OF NEW COLLEGE, OXFORD

EDITOR OF THE "FORTNIGHTLY REVIEW."

MY DEAR COURTNEY,

With your kind consent I give myself the pleasure of writing your name upon the first page of this book. Portions of it which have appeared in the *Fortnightly Review* I reclaim, for my present purpose, by the obliging permission of Messrs. Chapman and Hall. And I take advantage of this opportunity to express my sense of deep indebtedness to you, during many years, for your constant courtesy and consideration as an editor, and for your sustaining sympathy and sincerity as a friend.

There is yet another reason which leads me to dedicate to you this book. Careful perusal of your philosophical writings brings me to the conclusion, that the fundamental principles and beliefs upon which it is based, have the sanction of your authority. My object has been to consider certain important public questions in the light of those principles and beliefs. I hope I have addressed myself to that task in the spirit indicated by the words of Plato quoted on the title page. Indeed, if I know myself at all, I may truly claim to be "one of those who are very willing to be refuted if I say anything which is not true, and very willing to refute any one else who says what is not true: and just as ready to be refuted as to refute:" while if I have, at times, written with any warmth, the cause is my deep conviction—to continue in Plato's words—that "there is no evil which a man can endure so great as an erroneous opinion about the matters whereof we are speaking."

I am sure you will agree with me that in

those matters are involved the spiritual life and death of nations, as of individuals : and I do not understand how any one, realising this, can discuss them with an "air of mild indifference." I remember a remark made at Cambridge years ago that the late Professor Sidgwick's lecture-room, like the Court of Chancery in Lord Eldon's time, might be called Doubting Castle. Surely it was true. What, for example, did that highly gifted man teach about Conscience, but that it might be the voice of eternal law within us, in which case we ought evidently to obey it ; or that it might be the voice of man commanding us to work for man, in which case there might be a reason, not yet discovered, why we should obey it ? What did he teach concerning Right and Wrong but that there might, possibly, be an immutable distinction between them, or that, possibly, Right might turn out to mean the pleasurable, and Wrong the unpleasant ? When we reflect upon teaching of this sort, may we not well say, "Back to Kant ?"

I think you would say so. I think that, with me, you would recognise in that feeble old Professor the man to whom it was given to do, for these latter times, a work like that which Plato did for his day and generation. Plato and Kant! The collocation is strange: for surely more diversely endowed natures never existed. A witty friend of mine whimsically remarked to me that whereas when we read Plato we seem to be listening to the very voice of the creative Demiurgus, the utterances of Kant might well be those of a ghost with a cold in his head. Well, "I'll take the ghost's word for a thousand pounds." There are diversities of operation, but the same spirit. The dialect which Kant employs is ordinarily repellent, though here and there he gives us flashes of inspiration which might have come out of the depths of eternity. But, to quote what I must take leave to call some admirable words from your *Constructive Ethics*: "The Kantian system, despite its abstract terminology and its bristling array of technicalities," is based upon "the ordinary

and commonplace experiences of the moral life," "the Categorical Imperative, the Law of Duty, the Autonomous Will." Plato grounds virtue on Reason : he combats the Utilitarian morality of the Sophists by his emphatic insistence on the unconditioned nature of ethical good : he scornfully declares that the question whether justice or injustice is better for man, is as inane as the question whether it is better for man to be sick or sound, to have a soul corrupted or a clean soul. And is not this the substance of Kant's moral philosophy? You will doubtless remember the pregnant words of Goethe in one of his conversations with Chancellor Müller : "Die Moral ist ein ewiger Friedensversuch zwischen unseren persönlichen Anforderungen und den Gesetzen jenes unsichtbaren Reiches. Sie war gegen das Ende des letzten Jahrhunderts schlaff und knechtisch geworden, als man sie dem schwankenden Calcul einer blossen Glückseligkeitstheorie unterwerfen wollte. Kant fasste sie zuerst in ihrer übersinnlichen

Bedeutung auf, und wie überstreng er sie auch in seinem kategorischen Imperativ ausprägen wollte, so hat er doch das unsterbliche Verdienst, uns von jener Weichlichkeit, in die wir versunken waren, zurückgebracht zu haben."

Yes : Goethe was indeed well warranted in regarding the vindication of the transcendental character of the moral law as Kant's "undying merit." And it is notable that, in going back to Kant, we go back to a still greater teacher, the foremost master of the medieval school, with whom he is at one in the chief positions of his ethical philosophy. It is notable, but surely not curious, since the true data of ethics are from everlasting to everlasting. What Aquinas did for the medieval period, Kant did for the age into which he was born. And what an age! An age in which an outworn world fell in ruins, in which the foundations of ordered human life were overthrown. Is it too much to say that the mission of Kant was to seek and to find the true basic principles whereon

the commonwealth of men might be securely established? He realised the truth of the ancient dictum "*philosophia dux vitæ*," and beginning, in early manhood, with the theoretic explanation of things, he went on, as years went on, to apply practically for the needs of human society, the treasures of wisdom and knowledge amassed during his life of study and meditation. His *Rechtslehre*—*Science of Right* I suppose is the English equivalent—bears the date on which he ceased from his professorial labours. May it not well be that he regarded it as crowning his philosophical edifice? Am I in error in accounting this, his last great gift to the world, as, in some respects, the most considerable of his writings? Not if, as I judge, it rescues from Utilitarianism and Eudæmonism the essential principles of Right, establishes jurisprudence upon the everlasting rock of the Practical Reason, and lays down the true doctrine of the liberty of man, as an ethical agent in an ethical organism—the State.

How fruitful the influence of this treatise has been, in countries where juridical and political problems are studied scientifically—England can hardly be regarded as one of them—we both know. In the present unpretending volume I have sought ever to keep in view the principles which it embodies. Kant has observed that although “formal Metaphysic, as such, can never be popular, its results may be made quite intelligible to the common reason, which is *unconsciously* metaphysical.” Writing not for professed students, but for intelligent and thoughtful men of the world—the two adjectives are not synonymous—I have endeavoured to avoid, as far as possible, technical expressions and Academical dialectics. Moreover, I have aimed at making each Chapter as complete as I could in itself, even at the cost of repetitions—all repetitions are not vain. And I have not hesitated, when the occasion seemed to invite it, to avail myself of a phrase or a sentence in my earlier writings, trusting to the excuse so

felicitously urged by Lord Morley of Blackburn: "A man may once say a thing as he would have it said, δις δὲ οὐκ ἐνδέχεται—he can hardly say it twice."

I am, my dear Courtney,

Very truly yours,

W. S. LILLY.

ATHENÆUM CLUB,

October 4, 1910.

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APOLOGIA PRO HOC LIBRO

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CHAPTER I

THE QUESTION OF POPULAR GOVERNMENT

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APOLOGIA PRO HOC LIBRO

I

IT was required among the ancient Locrians, as we learn from Demosthenes,* that any one proposing a new law should wear round his neck a halter, which was drawn tight if his proposition failed to command the assent of his fellow-citizens. Doubtless this severe ordinance proved an effective check upon unnecessary legislation. I have often thought that some deterrent device, of indeed a less ruthless character, might with advantage be employed in these days as a check upon unnecessary literature. If, as the old Greek proverb alleges, "a great book is a great evil," what is to be said of the exceedingly great multitude of books vomited forth, week after week, by the printing presses of every civilised country? At all events, it may be safely said that no one is warranted in swelling their number unless he has a valid reason for writing. Archbishop Whateley, upon one

* In *Timocratem*, § 139.

occasion, when asked the difference between a good and a bad preacher, replied, "Oh, it is very simple: the one preaches because he has something to say; the other because he has to say something." I suppose this criterion is not inapplicable to books.

Anyhow, my apology for this present volume is that I believe I have something to say. The seven topics with which it is concerned are hackneyed enough. The way in which I approach them—and which I believe to be the only true way—is seldom followed in England: there seems, indeed, to be a well-nigh general consent in this country that it is out of date. My contention is that they should be considered in the light of a ruling principle of action, the principle to which the words "right" and "duty" bear witness. But if we take up a newspaper or magazine, or listen to or peruse a Parliamentary debate, in which they are dealt with, we very rarely find any reference to such a principle, or even any recognition, however tacit, that such a principle exists. Right and duty no doubt are occasionally mentioned. But the words are emptied of the meaning which they bore in earlier generations. The very conception of the moral law as order of verities

absolute and eternal, seems to have vanished from the general mind. “*La morale de nos jours*,” the late M. Caro once remarked to me, “*est une morale de commis voyageur*.” The appeal is ever to the commercial traveller’s standards of profit and loss, to the “business” ideals of the bagman. I suppose it was Hobbes who initiated this change in our own country with his doctrine that our notions of right and wrong, justice and injustice, are purely the result of convention. But of course, the great teacher of the new morality, in these latter days, is Bentham, inculcating what he calls “the principle of utility”—“that principle which approves or disapproves of every action whatever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question.” The two chief continuators of his doctrine—they are at one with him as to its essence, whatever their variances from him in their methods—were John Stuart Mill and Herbert Spencer. Mill’s teaching is, in substance, this: that what we call duty is merely a fusion of various elements, such as the instinctive desire to be in harmony with our fellows; the conception of human solidarity; the more or less clear conviction that

regard for the interests of others is an essential condition of human society ; the perception, engendered by the habit of working with others, that to co-operate for the common good is to promote our own good ; while the influence of civilisation gives a sacred and august character to the necessity of social feeling. Thus does he explain the purely subjective sentiment which, as he teaches, becomes an integral part of consciousness, leading us, nay, enforcing us, to consider the good of others. Right and duty he regards, in short, as deriving their sanction from general utility, as being merely rules of experience relating to certain primordial elements of human happiness. And justice, he holds to be, in the last analysis, merely the most imperative part of utility—although, in common with every writer of his school, he fails to explain how utility can be *imperative*.

I have said that Mill's ethical doctrine does not essentially differ from Bentham's. And the same may be said of Herbert Spencer's. I do not propose to examine it here in detail ; I have done that elsewhere.* But I may observe that he too,

* Namely, in my works *On Right and Wrong* and *The Great Enigma*. As regards Herbert Spencer's position *quoad* Bentham

like Mill, derives "the feeling of moral obligation" from experience—the accumulated experiences, as he opines, of the race—which he asserts to have produced the consciousness that guidance by feelings referring to remote and general results, is more conducive to welfare than guidance by feelings to be immediately gratified. This is his explanation of the idea of authoritativeness in "the feeling of moral obligation." The element of coerciveness he ascribes to the effect of punishment inflicted by law and public opinion on conduct of certain kinds. Inbred selfishness plus the fear of the policeman is the account of "the sense of duty or moral obligation," which Mr. Spencer, in his character of philosopher, offers to us. But that is not the whole of his message to the world upon this important matter. "Rapt into future times," he delivers the prediction, "The sense of duty or moral obligation is transitory and will diminish as fast as moralisation increases. . . .

and Mill, it is true that he has severely criticised both those philosophers. He insists that he adopts neither experience nor expediency as his foundation. No doubt he does not confine himself to the experience of the individual, or adopt the bald empiricism which sums up morality as enlightened self-interest. Still "to experience and expediency he comes at last, be the process ever so complicated. That fact all his dexterity in evolving laws of conduct from tribal selfishness cannot conceal, and will not abolish." See the Chapter "Evolutionary Ethics" in *On Right and Wrong*.

With complete adaptation to the social state, the element in the moral consciousness which is expressed by the word 'obligation' will disappear."

What will happen in that golden, or rather, perhaps, brazen age when, according to this seer, the sense of duty or moral obligation has disappeared from among men, is an interesting question which, however, need not detain us here. A far more practically important inquiry is, what is the true account of the obligation to right conduct for us in the world which we know and inhabit. To that inquiry, as I venture to think, neither Mr. Spencer, nor the whole tribe of Utilitarian philosophers, has given a rational answer. To show that such conduct is likely to result in "agreeable feeling" to the individual, is not to invest it with an ethical obligation. To show that it is likely to result in agreeable feeling to others—the tribe, the race, posterity—is not to invest it with an ethical obligation. These are mere motives, the strength of which will vary indefinitely, as characters or circumstances vary. They can be nothing more than motives. They may invite. They cannot command. The desirable

* *Data of Ethics*, § 46.

is one thing: the obligatory is another. If any fact is certain it is this—that in Utilitarian ethics obligation has no place. Indeed, that seems to have been recognised by Darwin's strong common-sense. He thought that "the imperious word 'ought' seems merely to imply the existence of persistent instinct: that a man ought to speak the truth in the same sense that a pointer ought to point, a retriever to retrieve, a hound to hunt." Could the process of emptying a word of its meaning be carried further? Moreover, we must not forget that for Herbert Spencer and for the whole school of physical moralists, ethical obligation, if it did exist, would be unavailing, as they do not allow to man any real power of choice. In their system of physiological fatality, our volitions are accounted as merely facts of a certain order, absolutely governed by certain laws of matter which we cannot help obeying. Their doctrine is wholly fatal to the moral person endowed, consciously endowed, with the power of choosing a better or a worse, both equally possible, and responsible for his choice. Free will, they tell us, is an objective and subjective delusion.*

* See Herbert Spencer's *Principles of Psychology*, §§ 219, 220.

II

It is a fine and true saying of Seneca—one of his many fine and true sayings with a distinctly modern ring—that no one who reckons virtue among mere utilities adequately understands what it is: “*Virtus non satis intelligitur ab eo a quo inter utilia numeratur.*” That is the fundamental, the fatal fault of the school of philosophers of which I have been speaking—that Utilitarian school which, during the last century, obtained almost complete ascendancy in England; it was never of much account elsewhere.* Like the Sophists confuted by Plato, they all—whatever their speculative differences—“measure the good by the standard of pleasure or utility.” They do not know, or they ignore, that profound distinction of the Schoolmen between *bonum honestum* and *bonum delectabile*, between right and enjoyment. They do not recognise the objective element in morality. They do not see that the idea of duty differs, by the whole diameter of existence, from the

* Austin is generally regarded as the most considerable writer of this school, but he has received from the great masters of jurisprudence in Germany no consideration at all. They ignore him. In truth his metaphysical attainments were of the slightest, as has been well pointed out in Dr. Hutchison Sterling’s *Lectures on the Philosophy of Law*.

conception of agreeable feeling. They do not understand Aristotle's definition of man as "an ethical animal, having perception of justice and injustice, of right and wrong, and the like." They do not comprehend that it is because of his distinctive endowment of reason, the faculty of perceiving self-evident truth, that he, alone of animals, can discern the true law of his being, "the law of virtue that we are born under," as Butler puts it—the moral law. Yes: the rule of ethics is the natural and permanent revelation of Reason, of which conscience is, in the words of Aquinas, "the practical judgment or dictate," for it is the entering into the individual of the objective law of Right. The ideas and principles of that law are the intellectual heritage of the human race; the intuitions of right and wrong, apprehended by our moral nature, are anterior to all systems philosophical or religious, just as are the intuitions of existence and of number. And it is precisely because Right is founded on objective reason that it is universal—I speak of Right, not of rights, which are its subjective expressions. Right is not created by the experience of the human race: it belongs, like the verities of mathematics, to the world of eternal and immutable ideas: it

is part of the nature of things: and it rules, by its mandates and its penalties, throughout the universe over all rational beings, individually and collectively, the necessity which it imposes being denoted by the word "ought," just as mathematical necessity is expressed by the word "is," and physical necessity by the word "must." Ethical science—I use the word "science" advisedly—starts from these self-evident intuitions and categorical assertions. Its conclusions, indeed, will have to do with the concrete, the conditioned, for it is the science of human life; but its *principles* are, in the strictest sense, transcendental, for it finds them beyond the phenomena of sense, by means of our imaginative faculty, in the inner world of consciousness, of volition, of finality. There are the ultimate bases of right and duty. It is only in the light of the ideal atmosphere whereby our spiritual being lives, that we can discern the sources of ethics. The Categorical (absolute or unconditioned) Imperative "Thou oughtest," appeals not to experience, individual or racial, but to the reason of things. And so morality is, in its own sphere, autonomous. Independent both of theologies and theogonies, and of the facts and fallacies

of physicists, it claims obedience, not as an instrument of happiness or agreeable feeling, but as a thing absolutely good, and an end in itself. And in willing obedience to it consists the goodness of man: "Voluntas est qua peccatur et qua bene vivitur." * Acts properly called human are voluntary as proceeding from a man's will with a knowledge of the end to which they tend: they are acts which under the same antecedent conditions might or might not have proceeded. "Thought is free," says a proverb quoted by Shakespeare; and so it is, within limits. There are things which a man endowed with reason is not free to think: for example, that he does not exist: that space and time do not exist for him: that space is internal and time external. But thought does enjoy a restricted and conditioned freedom. So does the will, for the will is thought with a reference to superadded action: and its "faculty"—in the words of Kant, "of choosing that which reason,

* The hegemonic quality of which St. Augustine thus speaks, Kant esteemed the primary fact of consciousness; he calls it die Menschheit. As there is an immense amount of confusion among physical philosophers as to what is meant by free will, it may not be amiss to quote here the commonplace of the Schools: "Liberum arbitrium habetur quando positis ad agendum requisitis potest quis agere vel non agere." There are cases of non-physical necessity, *e.g.* of a single determining motive, of a spiritual instinct, of a knowledge exhibiting the object as *omni ex parte bonum*, where free will does not exist.

independently of natural inclination, declares to be practically necessary or good," is the very foundation of moral science.*

Such is the moral law, as the school in ethics which commands my assent accounts of it: and being such we may well contemplate it with no less wonder and reverence than the starry heavens—nay, with more. This ideal rule of right, entering into the human intellect, guides man onwards and upwards on the path of ethical progress. In it all human rights which are really such, and not wrongs usurping that august name, find their highest and ultimate sanction. So Hooker, summing up the scholastic teaching on this high matter: "Law rational, which men commonly use to call the law of nature, comprehendeth all things

* *How* the moral law can directly determine the will; or in other words, *how* a free will is possible, is, of course, an insoluble problem for human reason. It transcends the grasp of *speculative* philosophy. But—to quote the words of Kant in the *Metaphysic of Morals*—"The reality of this idea of freedom is evinced by certain practical principles which, as Laws, prove a causality of the Pure Reason, in the process of determining the activity of the Will, that is independent of its empirical and sensible conditions: and thus there is established the fact of a Pure Will existing in us as the source of all moral conceptions and laws." To which may be added the following pregnant sentence from the *Critique of the Practical Reason*: "Could we have so deep an insight into a man's act of thinking as it exhibits itself inwardly and outwardly, could we know his every spring of action, however small, and every external circumstance impinging upon such spring, and so calculate his future conduct as exactly as we calculate an eclipse—we might still affirm that the man was free."

which men, by the light of their natural understanding, evidently know, or leastwise may know, to be befitting or unfitting, virtuous or vicious, good or evil for them to do." "The several grand mandates which, being imposed by the understanding faculty, must be obeyed by the will of men, are such that it is not easy to find men ignorant of them." * No ; it is not easy. The savage who does not, in some way or other, distinguish between right and wrong, does not exist—and if he did he would not be man, but something lower.

III

Are we here met with an objection that, as a matter of fact, the moral judgments which have obtained among men, are diverse and irreconcilable ? The objection is not a novel one, and, as Hooker goes on to observe, it was sufficiently answered by St. Augustine a thousand years ago ; "Do as thou wouldst be done to, is a sentence which all nations under heaven are agreed upon ;" and here is the sufficient germ of a complete ethical

* *Ecclesiastical Polity*, Bk. I., c. 8. Compare Aquinas, "Lex naturalis nihil aliud est quam participatio legis æternæ in rationali creatura."—*Summa Theologica*, I, 2, q. 91, a. 2.

code. The sense of duty is a form of the mind itself, although it may be said to exist as a blank formula, which is filled up in a variety of ways. "The altruistic instinct," as the physical moralists of the day call it, is as much a fact of human nature as "the egoistic instinct." The sense of duty is universal ; it is an essential attribute of our nature, inseparable from the consciousness of self and non-self ; not a complete revelation, but the revelation of an idea, bound to develop according to its laws, like the idea, say, of geometry. The ethical ignorance of barbarous tribes is no more an argument against the moral law, than their ignorance of the complex and recondite properties of lines and figures is an argument against geometrical law. It is the function of the intellect, here as elsewhere, to evolve abstract truths from the seemingly chaotic mass of appearances and events, and to clothe them in propositions which shall serve as current coin. That very word, "conscience," by which we now designate consciousness considered as a moral judge, is of comparatively late origin. It was unknown to the writers of the Hebrew Sacred Books.* They speak of "heart"

* It is found in the *Book of Wisdom* (ch. xvii.), as might of course be expected.

instead. It does not occur in the Gospels, except in the story of the woman taken in adultery, which the most authoritative critics of our own day—whether rightly or wrongly, I do not undertake to say—regard as an interpolation. It was only after nascent Christianity appealed to the Gentiles and to the Jews scattered abroad, that the word was, so to speak, naturalised in it. And then it was a new word in the Hellenic world: it seems not to have come into use until after the Peloponesian War. So much as to the history of the term by which we commonly describe the subjective organ of ethical knowledge. Herbert Spencer tells us that both that subjective organ and the moral law are in a permanent state of becoming. I do not doubt—I shall indeed have occasion, presently, to insist—that our insight into the moral law grows deeper in successive ages. But that does not deprive either conscience, or the moral law, of their imperative character for each particular act recognised by me as obligatory, any more than it implies the destruction of ethical liberty, properly understood. What I discern as my duty is binding upon me *hic et nunc*, whether my mental vision be true or false. The point upon which my conscience never varies is, that duty

exists. It is in vain for Montaigne to assert, "les lois de la conscience, que nous disons naître de la justice, ne sont qu'une mer flottante d'opinions." Montaigne confounds the idea of duty in general with men's notions of their particular duties.

In that record of man's action which we call history, Right and Wrong are the most important words. Human progress means, before all things, the education of conscience ; the widening of the circle of ethical obligation ; the deeper apprehension of the moral law, that is of justice, wherein, according to the fine verse of the Hellenic poet, adopted by Aristotle, "lies the whole of virtue's sum." And justice, as Ulpian defines it, is "the constant and never-failing will to render to each man his right." This "right," it is sometimes said, arises from the primordial idea of the person in himself. It is well said ; but the statement requires to be guarded, for only in society is personality realised ; "Unus homo, nullus homo." Hence that other dictum, which must be received with even greater caution, that right is the offspring of civilisation. True it is that right is not the attribute of our rudimentary, prehistoric ancestors. The pre-civilised epoch to which Rousseau ignorantly turned for his noble savage was, in fact, an epoch of

chaotic violence, of ferocious cruelty, of hideous cannibalism, of dirt unspeakable, of sexual promiscuity, of lying and hypocrisy. And such is the state which Rousseau's doctrines tend to bring back. Unquestionably, it is society alone that gives validity to right, for man is, in Aristotle's phrase, "a political animal." If we follow the historical method only, we must pronounce the birthplace of right to have been the family, from which civil polity has been developed. But if we view the matter ideally, we must say that the experience of the race is here merely an occasion, not a cause ; it does not create, it merely reveals right. The social organism exhibits that which lies in the nature of man, deep down in the inmost recesses of his being, but which could never have come out of him in isolation. The idea of right unfolds itself in history as the vivifying principle of those public ordinances and political institutions whereby we live as civilised men ; as the justification of the common might which, without it, would be mere brute force. And as that idea is ever increasingly realised in the ethical fellowship of successive generations, as the moral tone of the social organism rises, so do individual conceptions of right become clearer and more adequate. For

man is not only “ a political animal.” He is also a historical animal. And this it is, as well as the Aristotelian criterion, which marks him off from the rest of sentient existence. Consider, on the one hand, the savage warrior torturing his enemy, his untutored mind not suspecting that he is acting unrighteously ; and on the other, contemplate John Howard on his “ circumnavigation of charity,” not counting his life dear so that he may redress injustice done to criminals. Thus has the idea of right grown in the human conscience.

But an idea, in the true sense of the word, it is. The great legists to whom we owe the majestic fabric of Roman jurisprudence, knew this well. Hence their emphatic recognition of the transcendental foundation of private right. It was an expression of the august doctrine, which they had learnt from the philosophers of the Porch, that universal reason governs the world ; that the lives of men should be regulated by that supreme order which is justice in the soul, beauty in the body, and harmony in the spheres. But it is to the Founder of Christianity and the doctors of His religion—conspicuous among them the masters of the medieval School—that the world owes the clearest, the most prevailing, the most cogent

teaching as to the universality of right and the solidarity of mankind. Now this characteristic of universality is an essential note of ethics. The theory of the moral law must be founded on reason. To make of it a mere deduction from experience, is to perform a mortal operation upon it, is to reduce right and wrong to a question of temperament, of environment, of cuisine, of latitude and longitude. Hence the precept which Kant lays down for our conduct, the rule by which he bids us try and test its ethical worth: "Act so that the motive of thy will may always be equally valid as a principle of universal legislation." I do not say that this maxim is alone adequate as the fundamental thought of ethics. It may be open to the criticism that it is rather the uniform view of a criterion than the pregnant principle of morals. But, at all events, in its recognition of universality, it builds upon the everlasting rock.*

One more point may be noticed in passing—the fewest words will suffice for it. It may be asked, Do we, then, who with Plato and the philosophers of the Porch, with Aquinas and Suarez, with Butler and Kant, follow the transcendental method

* I take this, and the three immediately preceding paragraphs, from the Chapter entitled "Rational Ethics," in my book *On Right and Wrong*.

in ethics, and account it the only method—Do we propose to set forth a complete theory of human duty? Of course we do not. All we profess to do is to indicate as the true rule of human action, the dictates of reason speaking through conscience.* We are well aware that in ethical inquiries we must guard against losing sight of history and circumstances, or we shall resolve morality into a species of mathematics. Here, as elsewhere, the normal admits of exceptions and derogations. The moral law does not change. But how can it be applied except in the concrete? And has not every case its own formula, so to speak? To give a familiar instance. Polygamy in a Mormon must surely be condemned. Polygamy in a Moslem

* It must not be supposed that we hold the moral law to be an immediate datum of empirical consciousness: a ready-made law, so to speak, which reflection discovers in us. No; as Kant tells us in the *Critique of Pure Reason*, "We have consciousness of pure practical laws as we have consciousness of pure theoretical principles, by observing the necessity with which reason imposes them, and by making abstraction of all empirical conditions." In the moral order the empirical consciousness lays hold of ethical judgments and sentiments in the experience of practical life, but does not discover their law save by a transcendental analysis of the *a priori* conditions which render those judgments and sentiments possible. And so in the *Metaphysic of Morals* Kant observes, "We know our own Freedom—from which all Moral Laws and consequently all Rights as well as all Duties arise—only through the Moral Imperative which is an immediate Injunction of Duty: whereas the conception of Right, as a ground of putting others under obligation, has afterwards to be developed out of it."

may be tolerated, nay, may, conceivably, be approved. On what principles do we thus discriminate? Those principles exist, but they are not evident at first sight. To find them is the office of casuistry, which "is neither a science nor a part of any science," but is still a most necessary, nay, indispensable supplement to ethics, however, at times, misapplied and abused. Casuistry is the application of general rules to particular cases, and has been well called by Kant "a dialectic of conscience."

IV

To sum up, then. I claim for the moral law, as an ideal order of right ruling throughout all worlds, that it should dominate the whole field of human action, that to it should be the ultimate appeal in all causes. That is the point of view from which the following Chapters are written. The primary fact about man is that he is under that law. And this is the primary fact, too, about communities of men. Human society rests upon an ethical basis. The State is, in Hegel's admirable phrase, "Reason manifesting itself as Right:" and its highest function is to recognise, sanction

and enforce, for the members of the commonwealth, that system of correlative rights and duties which Reason itself reveals. It is a community of persons, that is of moral beings, for moral ends. It is an ethical entity, the realised order of right. As the organised manifestation of the personality of a people, it may properly be called an organism or a person. It is a person, for rights and duties, the distinctive notes of personality, attach to it. It is an organism, for it is "a great body capable of taking up to itself the feelings of a people, of uttering them in laws, of realising them in facts."* But, as Heraclitus pointed out two thousand years ago, "All human laws receive their life from the one Divine Law"—that ideal Law of Right whereof we have been speaking. And so Aquinas, in words which may serve to conclude this Chapter: "A human law bears the character of law so far as it is in conformity with right reason: and, in that point of view, it is manifestly derived from the Eternal Law. But inasmuch as any human law recedes from reason, it is called a wicked law; and, to that extent, it bears not the character of law, but rather of an act of violence." †

* Bluntschli, *Allgemeine Staatslehre*, p. 22.

† *Summa Theologica*, I, 2, q. 93, a. 3, ad. 2.

Or, as he elsewhere puts it, "Laws enacted by men are either just or unjust. If they are just, they have a binding force in the court of conscience, from the Eternal Law whence they are derived. . . . Unjust laws are not binding in the court of conscience, except, perhaps, for the avoiding of scandal or turmoil." *

* *Ibid.*, q. 96, a. 4. Carlyle, in a different dialect indeed, teaches the same lesson. "Truly, one of the saddest sights in these times is that of poor creatures on platforms, in parliaments and other situations, making and unmaking 'Laws,' in whose soul, full of mere vacant hearsay and windy babble, is and was no image of Heaven's Law; whom it never struck that Heaven had a Law, or that the Earth could not have what kind of Law you pleased! Human Statute books accordingly are growing horrible to think of. An impiety and poisonous futility every Law of them that is so made; all Nature is against it; it will and can do nothing but mischief wheresoever it shows itself in Nature: and such Laws lie now like an incubus over this Earth, so innumerable are they."—*Latter Day Pamphlets*, p. 83.

IDOLA FORI

CHAPTER I

THE QUESTION OF POPULAR GOVERNMENT

I

I SUPPOSE no phrase is more commonly employed, and more unquestionably accepted, than that of "The Will of the People." It is a sort of sacrosanct formula, like the "Allah Akbar" of Islam, the "All and One" (*ὅν καὶ πάν*) of Pantheists. Politicians of all types and grades, from the Honourable Felix Parvulus and the Right Honourable Felicissimus Zero down to the writers in the half-penny newspapers and the orators at "demonstrations" in the Park, vie with one another in doing it lip service. The "Will of the People," expressed by universal or quasi-universal suffrage, is taken to be the supreme authority for policy, the sufficient ground of action, above reason and superior to that natural rule of right and wrong

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which rests on reason : "Ce que le peuple veut est juste." I propose briefly to examine this shibboleth, even at the risk of distressing some who claim for themselves what George Eliot called "the unlimited right of private haziness." Things may be regarded either as they are, or as they ought to be. I shall first ask my readers to consider what that which passes among us as "The Will of the People" really is. I shall then endeavour to indicate what "The Will of the People" should mean. And since I wish to avoid an unpractical discussion of a practical subject, I shall end this Chapter by presenting a few reflections, suggested by the topic, as to the prospect before us in the public order.

II

Who then are, in fact, "The People" of the formula before us? They are, roughly speaking,* the adult male population of the country considered as equivalent voting animals. I remember

* To be precise, of the ten millions of adult males inhabiting the United Kingdom rather more than seven and a half millions are endowed with the Parliamentary franchise. It is an approximation to that equal and universal suffrage, vaunted as the great modern discovery in the public order, which would solve all problems of statecraft by the simple method of counting heads.

the late M. Taine once observing to me that every age had its *idée fixé*, and that the *idée fixé* of this age of ours is the dogma, which it has learnt from Rousseau, of the sovereignty of the individual: a dogma which finds expression in the phrases, "Manhood Suffrage;" "One Man, One Vote," or, as is sometimes said, "One Value;" "Every one to count for one, and no one for more than one"; or, as Carlyle puts it, "Any man equal to any other: Quashee Nigger to Socrates or Shakespeare: Judas Iscariot to Jesus Christ." This is the essence of what passes among us as Democracy.* A multitude of human units, equal and sovereign, is the prevalent conception of "The People." "Do you not know," asked a Jacobin mob orator of his sansculottic audience, "that you are Kings and more than Kings? Do you not feel the sovereignty which runs through your veins?" More than a century has elapsed since that appeal was made, and the doctrine thus expounded has slowly sunk into the popular mind throughout Europe. It is now the corner-stone on which the democratic or pseudo-democratic edifice is based.

* Or, as Mill puts it, "of the falsely-called democracies which now prevail, and from which the current idea of democracy is exclusively derived."—*Representative Government*, p. 155.

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That is what is meant by "The People" in the phrase which we are examining, and it is to "The Will" of this "People" that appeal is made, as the ultimate authority and supreme oracle in the State. But as, manifestly, all the sovereign individuals will not be of the same mind, the effective "Will" must be that of only a portion of them. In rude stages of society this "Will" was arrived at by the process of breaking heads—a process now happily superseded by the more pacific method of counting them. So that "The Will of the People" virtually means the "Will" of a majority of the sovereign units, or of those of them who get themselves accepted as a majority. We have long lived in this country under a system of party government, and what really happens at a General Election is that the two great political parties, called Liberal and Conservative—I put aside the Home Rule Party, and, for the present, the Labour Party*—endeavour to secure for the candidates run by them, in each constituency, a majority of votes, in order to secure, in the House of Commons, a like majority, and the office and spoils of office which fall to the

* I shall have to speak of the Labour Party later on in this Chapter, and of the Home Rule Party in Chapter IV.

victors. Of the possessors of votes in Parliamentary elections, almost all are, or at all events have hitherto been, attached to one or other of these two great political parties. They are constant to the Conservative or Liberal faith which is in them, although they would, in most cases, be sorely puzzled to give a reason for it. But there are a few in every constituency who habitually vacillate, and who are sometimes called "balancing electors," and sometimes, less courteously, but perhaps more truly, "wobblers": men who possess vacant, or if the adjective be thought offensive, let me say open minds, and who cling loosely, if at all, to the recognised party organisations. It is really on the votes of these that an election turns. To capture them is the supreme triumph of electioneering, and the chief instruments for effecting the capture are speeches, pamphlets, newspaper articles, handbills, and posters * not usually characterised by nice scruples about veracity. So that "The Will of the People" really means the "will" of the wobblers. They it is whom our representative institutions represent. The "will" of the minority, or of the vast and

* "Fraudulent electioneering posters," is the phrase of a recent orator.

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ever-increasing number who disdain to vote at all, does not count. It is not, as we are sometimes told, by sweeping changes in "the opinion of the country" that elections are decided: no: but by the changing caprice of the wobblers, who have just as much claim to represent the people of England as had the three tailors of Tooley Street.

This is the truth about the way in which a Parliamentary election is won. It is won by the votes of a very small number of the least stable and most impressionable voters: men blown about by every wind of doctrine, or led by every mean interest, personal or sectarian: the predestined prey of the demagogue. That is how a majority is made up. But, further, it is, of course, obvious that even a real majority is not The People. "We are so little affected," wrote Burke, in his *Appeal from the New to the Old Whigs*, "by things which are habitual, that we consider the decision of a majority as if it were a law of our original nature. But such constructive whole, residing in a part only, is one of the most violent fictions of positive law that has ever been, or can be, made on the principles of artificial incorporation."

Without, however, dwelling on that point, let us consider for a moment what manner of men are the greater part of the sovereign units who compose the People. The effect of equal and universal or quasi-universal suffrage is necessarily to place preponderating political power in the hands of the most ignorant and poorest class. Manual labourers constitute, and must constitute, the overwhelming majority of the inhabitants of any country. These are virtually The People. And we are told, on high authority, that this is right, and ought so to be. For example, Lord Morley of Blackburn, in an early work, emphatically insists on what he calls “the great truth” that a nation “consists” (the word is his) of “the great body of its members, the army of toilers;” that “all institutions”—*all*, note, without exception—“ought to have for their aim the physical, intellectual, and moral amelioration of the poorest and most numerous class. “This (he adds) is the People” (the capital P is his).*

Such, then, is the prevailing conception of The People whose “Will” is to be decisive of all political and social problems. I use the word “will” under protest. Will, in the proper sense

* *Rousseau*, Vol. II., p. 194.

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of the word, is individual. How can it be attributed to a multitude of men, to all the adult males of a country, or to that "constructive whole residing in a part only" (to quote Burke) which gets itself accepted for the whole? At most, the expression "general will" is merely a metaphor. There is, in fact, no such thing as a general will, not only because, as I have just observed, will is in the proper sense individual, but also because it is in its essence rational. It is, in Aristotle's phrase, ὁρεξις μετὰ λόγου, impulse with reason. But assuredly it is to impulse without reason that the mob orator, the electioneering agent, the party newspaper writer or pamphleteer appeals. He addresses himself to what the Schoolmen described as "intense excitations of the merely appetitive faculty," and which they divide into two classes: "*passiones concupiscibiles*," and "*passiones irascibiles*": the passions of desire and the passions of anger. It never occurs to him to appeal to that rational appetite alone properly called Will, whereby we incline towards, or strive after, some object intellectually apprehended as good. And he is right. He knows perfectly well that he would appeal in vain. What we call The Will of the People is, at the most, purpose, vague and

amorphous ; it is, more commonly, mere aspiration or whim. Professor von Sybel observes in his *History of the Revolutionary Period*, that the *Declaration of the Rights of the Man and the Citizen* raised to the throne, not the reason which is common to all men, but the aggregate of universal passions.

The truth is, as Herbert Spencer has noted in his *Study of Sociology*, that “ new democracy is but old despotism differently spelt.” The sovereignty of the masses and monarchical absolutism represent one and the same principle : the domination not of the moral idea which is law, reason, but of the individual cravings and caprices : not of will, but of wilfulness, or, to use a more exact German phrase, *die Particularität des Individuums*. I am, indeed, far from asserting that ratiocination is the sole and all-sufficient guide of life, either for the individual or for the body politic which is made up of individuals. There are motives which, though a man may not be able to give syllogistic form to them, or even to present them in a definition, are as legitimately active in the microcosm of the mind as are the obscure rays of the spectrum in the macrocosm of the physical world. I do not doubt that the unreasoning instinct of the

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masses has a true function in public affairs ; that it may be sometimes right when the logic of professional politicians is wrong. My present point is that, as a rule, the Sovereign People, like the Sovereign Autocrat, is the natural prey of flatterers. The demagogue is the courtier of the masses, whose voice he declares to be the voice of a God. To adulate them, in order to trade upon them, is the universal practice of the discounters and jugglers of universal suffrage. And the idol of the masses is the charlatan who knows all their prepossessions, prejudices, passions : who tells them that they are light and leading, reason and revelation, the all-sufficient judges of grave political problems, the very elements of which infinitesimally few of them can so much as understand, and who presents the results of his operations as “ the Will of the People.” Plato has drawn his portrait in colours which are as fresh now as they were two thousand years ago.

All those mercenary adventurers, who are called sophists by the multitude . . . really teach nothing but the opinions of the majority to which expression is given when large masses are collected, and dignify them with the title of wisdom. As well might a person investigate the caprices and desires of some huge and powerful monster in his keeping, studying how it is to be approached and how handled—at what time and

under what circumstance it becomes most dangerous or most gentle—on what occasions it is in the habit of uttering its various cries, and further, what sounds uttered by another person soothe or exasperate it—and when he has mastered all these particulars by long continuous intercourse, as well might he call his results wisdom, systematise them into an art, and open a school, though in reality he is wholly ignorant which of these humours and desires is fair and which foul, which good and which evil, which just and which unjust, and, therefore, is content to affix all these names to the fancies of the huge animal, calling what it likes good, and what it dislikes evil, without being able to render any account of them—nay, giving the title of “just” and “fair” to things done under compulsion, because he has not discerned himself, and therefore cannot point out to others, that wide distinction which really holds between the compulsory and the good. Tell me, in heaven’s name, do you not think that such a person would make a strange instructor? *

III

So much, then, regarding what passes among us for “The Will of the People.” It is a fiction derived from the archsophist Rousseau, and having no more actuality than his Social Contract. Green well points out that “the practical result of Rousseau’s theory, which has won its way into general acceptance, has been a vague exaltation

* *Republic*, Book VI., 493. I avail myself of Messrs. Davies and Vaughan’s excellent translation.

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of the will of the people, regardless of what 'the people' ought to mean." "The justifiability of laws and acts of Government, and of the rights which these confer, comes to be sought simply in the fact that the people wills them, not in the fact that they represent a true *volonté générale*, an impartial and disinterested will for the general good. Thus the way is prepared . . . for the sophistries of modern political management, for manipulating electoral bodies, for influencing elected bodies, and for procuring *plébiscites*." * Note the words "*general* good." It is not true that the "army of toilers is the people," and that "all institutions ought to have for their aim the physical, intellectual, and moral amelioration of the poorest and most numerous class." Human society is an organism. It is not a fortuitous congeries of sovereign and equivalent human units. In a civilised country we find vastly varying individualities, and the more civilised it is, the greater is the variation which it develops. We find, also, as the result of these vastly varying individualities, a number of classes, of interests,

* *Works*, Vol. II., p. xxxi. and 389. "Law as the system of rules by which rights are maintained" appears to be what Green inclined to think might best be considered as "the expression of a general will."
—*Ibid.*, p. 410.

diverse but dependent upon one another, and all necessary for the perfection of the body politic. Mirabeau, who almost alone kept his head in the Revolutionary delirium, said truly, "Representative Governments may be compared to maps which should reproduce all the elements of the country, in due proportion." And when such a system exists, truly reproducing, according to their real value, the various factors of the community, the groups, classes, institutions, sorts and conditions, which constitute the subordination and co-ordination of civil life, we may regard it as entitled to express the *communis sensus* of the body politic, or, if we must have the phrase, The Will of the People, upon questions of general import. That is the veritable ideal, nay, it is the very meaning of representative Government. But in the prevailing system of political atomism, which gives every man an equal share of political power, only one element of the social organism is represented, and that by no means the most important: "C'est l'élément confus et aveugle : c'est le nombre." All political power is centred in the hands least fitted to exercise it, the hands of the operative classes : wisdom, wealth, culture, experience—all the most vital forces of society—

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are virtually ostracised. In a true democracy every man is master of his right, and exercises, directly or indirectly, an influence in the State proportionate to his personality. In the "falsely called democracy" (to use Mill's phrase) of these days, all men are reckoned equivalent, whatever their capacity or incapacity, and are entitled to the same influence in the government.* But thus to dispense equality to equals and unequals is to found the public order upon a lie; it is contrary to the elementary principles of human society which rests upon the natural fact of inequality of value; and unless a remedy be found, it must issue in "red ruin and the breaking up of laws." All which will seem mere midsummer madness to professional votecatchers, and to their patrons, the players of the party game in Parliament, who can see nothing in the mechanism of politics but a sum in addition, and nothing as the end of politics but place and power. And I am well aware that this is their hour and the power of darkness.

* We must not forget that, commonly, when universal suffrage is spoken of, what is meant is *equal* and universal suffrage. Rationally graduated and wisely organised universal suffrage is a very different thing, and, if held in check by a strong Second Chamber, might, very possibly, be the best instrument of government for most civilised countries in this age of the world.

IV

But I think their hour is well-nigh done. There are signs, clear enough as it seems to me, that the day of party government* among us is drawing to an end. The most rudimentary apprehension of political ethics would have made an end of it long ago, for is not its gist the distortion of truth by advocacy for electioneering purposes? No doubt it has long provided a delightful pastime for six hundred and odd gentlemen at Westminster; they have found it more exhilarating than golf, more exciting than champagne, more rapturous than the hysterics of a revivalist meeting or the transports of illicit love; but their reckless playing of the game has brought it near its close. In their mad bidding against one another for the favour of the populace, which they needed in order to win, they have, bit by bit, transferred preponderating political power to the masses. Neither

* Of its working in the House of Commons an amusing account was given by Mr. F. E. Smith in a speech at Liverpool, a short time ago: "If you stand in the Division Lobby, when the will of the people is going to be expressed, you will see one Liberal Member after another trooping in from the Smoking Room, the Terrace, and the Lobby, and asking, not even what is the subject, but 'Which are we?' The Liberal Whip gives the desired information; and the will of the people is expressed." I quote Mr. Smith's words as I find them in the newspaper report; but I suppose they are not wholly inapplicable to the party with which he is connected.

side has been restrained by fear of the mischiefs which might result from subjecting the supreme control of public affairs to the unbridled passions of the multitude. Nay, the worst and most baneful of the so-called reforms, the clear sweep made in 1884 of the ancient constituencies, and the close approximation to equal electoral districts, was, in very large measure, the work of so-called Conservatives. A secret logic rules in human affairs, in virtue of which deeds often produce effects most alien from the minds of the doer. And there is now no rational ground on which either of the two great parties can resist the cry for One Man, One Vote, equal electoral districts, and universal inorganic suffrage. Well, the masses are beginning to be weary of the part which they have hitherto played of mere counters in the party game; they are gradually realising their power, and are inquiring whether they may not effectively use it for their own benefit. The abstract principle of the absolute right of majorities tends—that is the way of principles—to realise itself in concrete fact. Political equality! It is a barren notion unless it be wedded with life. Lazarus now dominates the public order, as Dives recognises when soliciting his vote in

elections. The party game interests him not at all ; the struggle for existence much. He is sick of the evil things which have hitherto been his lot, and is beginning to discern that the vote, which places him in a position of overwhelming superiority to Dives, may serve as an instrument for procuring a portion of the good things which he has as yet merely beheld from afar, at the rich man's gate. And will he now be content with the crumbs from that well-spread table which were once the object of his unsatisfied desire ? I think not. Will he not rather demand to participate in the banquet, and, in fact, help himself to a share of it—conceivably the lion's share ?

Experience testifies to the truth of Grattan's saying : " If you transfer the power in the State to those who have nothing in the country, they will afterwards transfer the property." Certain it is that the very foundation of Socialism is the doctrine of the absolute power of numerical majorities. " Its essential law," as one of its chief exponents at the Namur Congress, a certain " Citizen " Volders, declared, " is to ensure the free exercise of the force of numbers." *

* Quoted by Desjardins, *De la liberté politique dans l'Etat moderne*, p. 238.

V

And it seems to me that what is vaguely called Socialism is the great sign of the times, in the public order. I say "vaguely," for the word covers a variety of doctrines, and is freely applied—why not?—to any Utopia which any one likes to conjure up. Perhaps Social Democracy is a better term, as indicating more precisely the goal to which the ochlocratic movement is tending everywhere throughout the civilised world. In this respect our country has lagged behind France, Germany, and Italy, but the rise and growing strength of the Labour Party sufficiently indicate the progress which it is now making. And is there not reason for the belief that it has the promise of the future? It has something tangible to offer to the masses as the object for which they should use their overwhelming political power: it has a distinct ideal to put before them, a definite goal to point out to them. It starts with the position that the present system of distribution of wealth is wrong: that the "owners" of the soil, the machinery, the railways, and otiose capitalists in general—especially the class pungently described by Mill who "grow richer, as it

were, in their sleep, without working, risking or economising''*—receive an undue share of the surplus created by labour, while neither the exceptional ability to which much of the product may be fairly ascribed, nor the mass of the industrial army, receives anything like an adequate share. It points to the indubitable fact that in these latter days the world's wealth has increased much faster than the world's population, and it asks what is the final end of wealth, sale being admittedly but a means. It insists on the equally indubitable fact that famine and crises arise not from a deficiency of wealth, but from a superfluity, owing to the unrestricted competition of individual firms and companies for profit, and of the rank and file of workers for subsistence wages. It contends that the existing economic conditions are really anarchical, and inconsistent with social well-being, and it demands that a democratically organised State shall bring about the transformation from private appropriation and exchange, to public ownership and public service in a co-operative commonwealth.

All this is, of course, extremely disagreeable to the possessors of property, especially to those

* *Political Economy*, p. 547.

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who, in Burke's phrase, "hold large portions of wealth without any apparent merit of their own." I was reading, not long ago, a speech by a noble Duke in which the opinion was expressed that "the Socialistic programme is one of undiluted Atheism, Theft, and Immorality." But, as I observed just now, Socialism is a vague and comprehensive term. There are doubtless schools of it which are open to this impeachment. People may, however, be Socialists without being atheists, thieves, or adulterers—I have the pleasure of reckoning such among my personal acquaintances. And, after all, hard words break no bones. Instead of pouring forth unmeasured invective against Socialism, it were surely better to inquire what truth there may be in it. For it is by the truth latent in any doctrine, however pernicious, that it succeeds among men. Thus the old "orthodox" political economy, now dead and never to rise again, under whose dull dogmatism the last century groaned, was, in some sort, a vindication of the rights of individual freedom. Socialism is, in some sort, a protest for the organic nature of civil society. Nor is the organisation of industry necessarily a violation of freedom. The atomism issuing from the dissolvent *laissez-*

fatre doctrine should rather be so described : “ Freiheit ist keine Lösung.” From the point of view of ethics, Socialists are quite right in insisting that work is a social function, that property is a social trust. This truth—I shall have to insist upon it in the next Chapter—has largely faded from the general mind, through causes which are obvious enough. There can be no doubt that the effect of the French Revolution, with its anarchic individualism, was to render property harder and less human by emancipating it from social obligation. As little doubt can there be that machinery has tended to brutalise and pauperise the masses. The old fellowship of labour has disappeared in the modern manufactory ; the workman is a mere animated tool : a “ hand,” as the expressive phrase is : not better to the employer than his dog, not dearer than his horse : quite the contrary. Facts—most palpable facts, and most ugly ones—are the antinomies of our existing social order. It has been described—with only too good reason—as “ a cancerous formation of luxury growing out of a root of pauperism.” On the one hand, many thousands rich beyond the dreams of avarice. On the other hand, a million odd dependent upon poor-law relief and

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—the late Sir Henry Campbell-Bannerman is my authority for the statement—“twelve millions underfed and on the verge of hunger.”

This is the outcome of our Mammon worship : of the doctrine still preached in our midst by those who are regarded as men of light and leading—you may read it every day in their speeches as reported in the public prints—that production is the criterion of a nation's prosperity, that the accumulation of wealth, no matter in what hands, is the test of its progress. “Progress *and* Poverty!” Henry George would have replied. Certain it is—apart from Henry George's theories—that the ampler the abundance in our cities, the direr, too often, is the destitution. Sir John Byles observes, with great sagacity, that the only sort of abundance by which a nation really profits is “an abundance at once absolute and *accessible*”; where there is as much as the masses want combined with *accessibility*; where there is enough for the multitude, and the multitude can *get at it* and enjoy it, and that “this is the sort of plenty at which Governments should aim.” *

Many years ago Engel formulated the demand

* *Sophisms of Free Trade and Popular Political Economy*, edited by Lilly and Devas, p. 144.

of Socialism as being "that men should emerge from merely animal conditions into human ones." It is for this end that the workers are largely abandoning competition among themselves for combination—with results that have already largely benefited them and, through them, the community. Capitalists are following this example with results of which some—trusts, corners, combines, for example—no doubt benefit the few by drawing wealth from the many, but which most certainly do not benefit the community; and State intervention—a century, nay, half a century, ago the bugbear of "orthodox" political economists—is invoked to restrain them. But this will be dealt with in the next Chapter.

CHAPTER II

THE SOCIAL QUESTION

I

“THE whole art of politics is the art of seeing.” It is one of the many pregnant sayings attributed, rightly or wrongly, to Talleyrand; and, at all events, it is not unworthy of him. The debates in the British Parliament, and especially in the House of Commons, seldom exhibit many traces of this art. The true significance of the questions discussed, does not appear to be discerned adequately by those, on whatever side, who talk about them most copiously. No doubt there are noble lords, and honourable or right honourable gentlemen, who do not desire that the real import of the measures which they support, or oppose, should be too plainly visible. In many instances, however, it would seem as if the disputants might be characterised in the words employed by Carlyle

to describe Mr. Gladstone : “incapable of seeing veritably any fact whatever.”

Now what is the cause of this incapacity ? If my memory is not at fault, Mr. Balfour told the House of Commons, upon one occasion, that party is the very breath of their nostrils. With all deference to so great a Parliamentary authority, I would rather describe party as the dust which gets into the eyes of their understanding and mars their intellectual vision. The House of Commons is an assembly of well-nigh seven hundred gentlemen engaged in playing the game of Ins and Outs—gentlemen the vast majority of whom, as was observed in the last Chapter, vote at the bidding of the party whip in absolute indifference to, often in absolute ignorance of, the issues involved in the questions which their votes decide. I venture to think that this account of them was strikingly illustrated by the proceedings in the House of Commons, when discussing Mr. Lloyd George’s famous Budget. The majority who voted docilely in favour of it, were Ins who want to stay in : the minority who voted against it, Outs tired of staying out. Its real significance, as a sign of the times, received small recognition from honourable members. I suppose no one

attaches much importance to Mr. Lloyd George himself, from the point of view of statecraft. It was well pointed out by Mr. Mallock * that his favourite arguments rest on fallacies of the most astounding character which are put forward as facts. "One of these is that the rent of land forms the principal portion of the income assessed to income-tax. Another is that the rent or the selling value of the land of this country, as a whole, exhibits a rate of continuous increase not exhibited by incomes derived from any other source. The third is that, of the land rent of this country, the whole is virtually taken by great proprietors—he sometimes seems to think by dukes." Mr. Mallock correctly observes that every one of these suppositions is a ludicrous inversion of the truth.† Of

* In a letter published in the *Times* on the 7th of August, 1909.

† Mr. Mallock proceeds: "Of the gross income reviewed for purposes of assessment, the gross rental of agricultural and urban land together amounts to-day to but one-tenth of the total.

"The agricultural rent of the country is less by £18,000,000 than it was twenty-eight years ago. The net rental of agricultural land, urban land, and the actual structures of houses is less by £5,000,000 than it was fifteen years ago; whilst the income taxed under Schedule D has increased by £105,000,000. The selling or capital value of estates of over 30 acres averaged in the years 1893-6 more than £5 per acre less than it did between the years 1780 and 1800.

"Lastly, the owners of land, instead of consisting virtually of a small body of great landlords, were shown so long ago as 1876 to amount to more than 1,000,000 persons, and the rental of those who owned under one acre each was more than a third of the rental of the entire body, and exceeded the rental of those who owned upwards of 1,000 acres.

course I do not impugn Mr. Lloyd George's honesty. He is a keen combatant in the Parliamentary arena, and his intellectual vision has doubtless been blinded by its dust. My concern with him and his Budget, however, has nothing to do with his ethical merit or demerit. There is an occult force which drives the generations of mortal men before it, as irresistibly as the wind drives the leaves to which Homer has likened them. Call it the *Zeitgeist*, the spirit of the age, or what you will; the name matters little: the fact is undeniable. Of such a force Mr. Lloyd George's financial policy is an outward visible manifestation. It really means that what Carlyle called "The Condition of England Question" is at last claiming to be of paramount importance, and can no longer be shelved by the players of the party game.

II

Let us look a little at this question. The population of the United Kingdom is 44,538,718. The wealth of the United Kingdom has been recently estimated by Mr. Chiozza Money—a very

In Scotland the proportion to the whole borne by the rental of the owners of less than an acre was as 58 to 180, and in England as 29 to 65."

competent authority—at £11,500,000,000. Of that vast sum, 95 per cent. is owned by one-ninth of the population: five millions of people are the proprietors of £10,900,000,000. Let us go on from capital to income. We may roughly estimate the income of the country at £1,800,000,000 a year—the figures are still Mr. Chiozza Money's. There are about five million persons who take one-half of it, while thirty-nine millions take the other half. And of the five millions of persons who take nine hundred millions of income, about one and a quarter million persons, or two hundred and fifty thousand families, take six hundred millions. These two hundred and fifty thousand families are at the top of the social scale. At the bottom are two millions of families earning less than £1 per week. Forty-three per cent. of the population, however hard they may work, however thrifty they may be, are not able to command an income sufficient to provide for a standard of workhouse subsistence. Further, there are always over a million of unemployed and over a million of paupers. It is a significant fact that the rise of pauperism has been continuous since 1901. There are now one hundred and eighteen thousand more paupers than there were then. Moreover, it should

be added that while the capital wealth of the country is increasing yearly by £200,000,000, wages are going down, and the cost of living is going up.

And now let us turn from figures to actual life. In a book written more than half a century ago, and long fallen into unmerited oblivion—Dr. Channing's *Duty of Free States*—I find the following words, which are as true to-day as they were then :—

To a man who looks with sympathy and brotherly regard on the mass of the people, who is chiefly interested in the "lower classes," England must present much that is repulsive. . . . The condition of the lower classes at the present moment is a mournful comment on English institutions and civilisation. The multitude are depressed in that country to a degree of ignorance, want, and misery, which must touch every heart not made of stone. In the civilised world there are few sadder spectacles than the present contrast in Great Britain of unbounded wealth and luxury with the starvation of thousands and tens of thousands, crowded into cellars and dens, without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighbourhood and presence of stately mansions, which ring with gaiety, and dazzle with pomp and unbounded profusion, shock us as no other wretchedness does.

I should observe that when Dr. Channing wrote these words, the United States of America presented a cheering contrast to the picture which

he draws. They no longer present such a contrast. The economical condition of that country has changed—and changed immeasurably for the worse—since the Civil War. Enormous riches are concentrated in the hands of a very few, while the great bulk of the population have become more and more impoverished. It is calculated that one per cent. of the families of the United States own more than one-half of the national wealth, while nearly one-half of the families are virtually propertyless. We know what are the splendours of the New York millionaires and multimillionaires—there are, as it appears, some two thousand of them. Well, in this same City of New York, men are crowded four thousand, and even more, to the acre, and are living in conditions as filthy, as wretched, as inhuman as can be found in any London slum. An Occasional Correspondent of the *Times*, who in the years 1907–8 contributed a most interesting series of articles to that journal, under the title of *A Year Among Americans*, writes as follows, founding himself on official reports :—“ In New York two-thirds of the inhabitants live in tenement houses that have over 350,000 living rooms into which, because they are windowless, no ray of sunlight ever comes. In fairly prosperous years there are

at least 10,000,000—some careful statisticians say from 15,000,000 to 20,000,000—people in America who are always underfed and poorly housed, and of these 4,000,000 are public paupers. Little children, to the number of 1,700,000, who should be at school, and about 5,000,000 women, are wage-earners in America. . . . A Report of the ' Department of Correction ' shows that one person in every ten who dies in New York has a pauper's burial ; that at the present ratio of deaths from tuberculosis, 10,000,000 persons now living will succumb to that disease, which is largely due to insufficiency of food and light and air : and that 60,463 families, in the borough of Manhattan, New York, were evicted from their homes in the year 1903." Such is " the shame of mixed luxury and misery " which is spread over the United States, as over England, and from which no country of the civilised world is wholly exempt. " Wealth accumulates, and men decay."

III

But why is this so ? That is the next step in our inquiry. There can be no doubt that this state of things is the outcome of the economical

doctrines unquestioningly received and believed in the civilised world for well-nigh a century from Adam Smith's time. It was in 1776 that in his *Wealth of Nations* he laid down the doctrine of *laissez-faire*,* which is the corner-stone, elect, precious, of the old Political Economy long revered as "Orthodox." When he wrote, the law imposed many restrictions upon industries. He advocated their total abolition, under the plea that labour and capital should be free to seek their own interests, and with the prophecy that general happiness would result from this economical freedom. He was penetrated, as has been pointed out in Toynbee's *Industrial Revolution*, by "the belief in the supreme value of individual liberty, and the conviction that man's self-love is God's providence; that the individual in pushing his own interest is promoting the interests of all." He forgot that parity of condition is an essential of *freedom* of contract; and the generation to which he appealed did not happen to remember it. His doctrine was

* The full phrase, *laissez-faire, laissez-aller*, which originated with Quesnay, may be taken in the sense of "a fair field and no favour." We should be unjust to Adam Smith if we did not distinguish between his doctrine and the developments of it due to his followers. At the same time it must be acknowledged that dubiety exists as to what his doctrine really was, whence prolonged controversy in Germany concerning "Das Adam Smith Problem."

soon everywhere received and believed as a new economic gospel—with the consequences which we all know.

One chief result was to dissolve the old fellowship of industry, and to array capital and labour against one another in two hostile camps. It was a most unequal struggle—a struggle in which, naturally, the weakest went to the wall. This was the result of what Adam Smith called “the obvious and simple system of natural liberty,” the essence of which, as he goes on to tell us, is to leave “every man, so long as he does not violate the laws of justice”—he means thereby the criminal law—“perfectly free to pursue his own interest his own way, and to both bring his industry and his capital into competition with those of any other man or order of men.”* Adam Smith proceeded upon the assumption that all men are perfectly free and economically equal—an astonishing assumption. The replete capitalist and the starving labourer economically equal! Freedom of contract between the man who owns land, mines, machinery, and the man who owns only his ten fingers, skilled or unskilled—“lord of himself, that heritage of

* *Wealth of Nations*, Book IV. c. 9.

woe"! It was under this system, described as "free competition working by demand and supply," that colossal fortunes were built up in England in the nineteenth century. This "free competition" was really a most atrocious tyranny of capital. If I may quote words which I have written elsewhere:—

I know of no more shameful page in human history than that whereon is recorded the condition of the English working classes in coal mines, woollen factories, and cotton factories during the first three decades of that century. The victims of over-work, of under-pay, of frauds and extortions of all kinds, notably those practised through the truck system, their condition was worse than that of overburdened and overdriven horses: because those *human* faculties, those *human* needs which marked them off from the brute beasts, were utterly ignored and unprovided for. Not only grown-up men and women, but little children were offered up in sacrifice to "Gain the master-idol of this realm." The story revealed in the Parliamentary Reports of 1842 and 1843, of general deliberate and systematic cruelty practised on girls and boys of tender age, cannot be read without sickening horror.*

Well, those atrocities have largely disappeared, thanks to a long series of legislative measures, passed in the teeth of most strenuous opposition from the old school of Utilitarian Radicals and the Orthodox Political Economists, their

* *First Principles in Politics*, p. 98.

instructors in politics. Another great step for the amelioration of the condition of the workers was made by the institution of Trade Unions, which, as Brentano has pointed out, originated with the non-observance of the Statutes fixing wages and regulating apprenticeships. They were originally regarded as wicked combinations for the ruin of capitalists: and for long years the Courts of Law so treated them. Gradually they won their way, first into toleration, and then into recognition: and now they are, we may say, established factors in our industrial system. I am far from asserting that Trade Unions have been an unmixed benefit. What is? The end which they are by way of promoting—the advancement of the interests, real or supposed, of the workmen—by no means justifies all the means which they have employed. But when every just allowance is made for their errors—or their crimes—it remains true, as the late Mr. Devas admirably said, that “the benefits which Trade Unions have conferred, or helped to confer, on the English artisans, are many; higher wages, shorter hours of work, removal of middlemen (out-contractors or sweaters), removal of many oppressive fines or penalties, checks on brutality of foremen, support

to members out of work.” * It would be easy, but it is not necessary, to continue this catalogue of their good works. But there is one thing which they have wrought, of such transcendent importance that it must be set down here. By vindicating the advantage of collective bargaining over individual bargaining with employers of labour, of combination over competition, they did much to bring about real freedom of contract, or something more or less nearly approaching to it.

But combination among workmen has been followed by combination among capitalists. They, too, have discerned that union among themselves is a much better thing for them than war among themselves, seeing that they may thereby more or less completely control production, barter, and commerce. Hence have arisen Rings and Trusts—combinations both against the public which consumes commodities, and against the workers who produce them. These gigantic monopolies aim at regulating, on their own terms, production and distribution, and, in many instances, they have largely succeeded in so doing.

Such organisations of capital are of American

* *Manual of Political Economy*, p. 422.

origin, and it is to the United States of America that we must go if we would rightly judge of them. It is worth while for us to make the expedition, for there can be no doubt that England, and the Old World generally, will follow the example thus set by the New. As I have before noted, up to the time of the American Civil War there were few, if indeed any, millionaires in the United States, there was no serious poverty problem. Now all that is changed. During the few decades which have elapsed since the termination of the Civil War there has been a perfectly marvellous development of industry in the country, resulting, on the one hand, in a vast and rapidly increasing concentration of wealth among capitalists, and, on the other, in vast and rapidly increasing poverty among the wage-earning classes employed by them. By means of Trusts, capital has largely secured the control of natural resources in the United States—a control which involves absolute power over the division of the product of industry. There lies a book before me by Mr. Byron C. Mathews,* which is worth citing in this connection :—

* I know nothing of the author save what the title-page of his work informs me, viz., that he is “of the Department of Economics, High School, Newark, N.J.”

The monopolistic power of many of these combinations, he writes, is secured, in whole or in part through their control of the sources of supply of raw material. The organisers of the Steel Trust understood this well when, in securing their charter, they inserted among the many objects for which the Corporation was formed : "To acquire, own, lease, occupy, use or develop, any land containing coal, iron, manganese, stone, or other ores, or oil, and any wood lands, or other land, for the use of the Company." In pursuance of this power they have acquired extensive iron ore deposits covering great sections of three States, and immense acreages of coal and coke deposits covering great sections of five other States. With the exception of two of the smaller sections, all these deposits, located in eight different States, some of them a thousand miles apart, are connected by a network of railroads and steamboats, lines owned and operated by the Trust. . . . Ownership of all these by the Steel Trust carries with it absolute control of the sources of supply of all their material, and hence it makes them masters of all the processes carried on by their hundreds of plants located in fifteen different States, and masters of all their products, including control over the distribution of their values. The Trust controls something over seventy per cent. of all the steel and iron products made in the country. Assuming that the owners of the other thirty per cent. have a like control over their source of supply, the conclusion we reach is that . . . to capital invested in natural resources and in the means of their transportation, control of all iron and steel products made in this country is secured. As in the steel and iron industry, so in all manufacturing industries. In agriculture, another great foundational industry, the same control over products is secured by the same . . . use of capital. . . . The same situation exists in all lumbering operations. . . . So in mining the man who owns the mines has control over everything taken out of them. . . . This control may under certain circumstances be just as effectual if secured through the

control of the means of transportation, as in the case of the anthracite coal mines. . . . Through this power the railroad owners have become owners of the anthracite coal fields . . . [the actual] owners of most of them, and the *de facto* owners of them all. In the early history of the petroleum industry the concern now known as the Standard Oil Trust, through its league with railroads, secured control of the oilfields, and in this manner built up that gigantic combination. It matters not how the control of the material is secured—whether through ownership, or through the means of transportation, or some other way ; the important thing is the control.*

This control of the wealth material, and thereby of the labour operating thereon, of course gives a giant's strength to those who possess it ; and they have of late years used it tyrannously like a giant ; indeed, their encroachments have been so severely felt by the middle class, as to arouse a general feeling that something is rotten in the state of a country where such abuses are possible. The condition of the non-owning wage-earners is becoming little better than it was in the days of that free and unrestricted competition from which Trade Unions to some extent delivered them. Mr. Mathews puts it in his powerful, not to say passionate, way :—

They are economically in the power of those who own and control the material, as truly as were the coloured slaves legally in the power of their owners before their

* *Our Irrational Distribution of Wealth*, by Byron C. Mathews, pp. 25-32.

emancipation. There is absolutely nothing in this world for them to do except to operate upon material, changing its form and place. If the material is withheld from them by the owners of it, they and their families may beg or starve. Their privilege of earning their bread, even by the sweat of their brows, has been denied them. All talk about free labour is prattle, if it is meant that a labourer is free to earn bread without asking the privilege of doing so from some other man. His freedom is limited to the privilege of asking. He is absolutely free to keep on asking for a job for ever, but never free to get it. The plain name for this situation is slavery. It is legalised slavery. These economic conditions are the result of law. They are the logical outcome of our irrational laws of ownership, especially of land-ownership. Non-owning wage-earners have no legal right to live except in the almshouses. If they beg, the laws jail them. If they starve, the taxpayers bury them. In the potter's fields of the world are the victims of our cruel industrial organisation to be counted by the ten thousand.*

But, of course, there is more than that in the economical question now forcing itself on the attention of the world—the question, we may call it, of the distribution of social income. It is a favourite maxim that such distribution should be on the basis of service which, Mr. Mathews observes, seems to imply distribution according to merit. But he finds, he tells us, “everywhere a sort of service without sacrifice, hence without merit, and compensation for such meritless service.” And he continues :—

* P. 96.

Unrestricted inheritance privileges and stock-watering processes are two illustrations of many that might be named of the methods employed in securing unearned and undeserved portions of social income. Others are stock-market gambling, use of monopolistic power, municipal franchises, certain insurance practices, and many questionable business methods. When through any of these methods a man secures a portion of social income without sacrifice on his part commensurate with the amount received, he is getting something for nothing, something which belongs to somebody else, hence does not belong to him. There can be no production of values without sacrifice. All wealth produced by the deliberate action of men should be divided among those who make the necessary sacrifice, and as nearly as possible in proportion to the sacrifice made. The nearer we approach to this, the nearer we shall approximate justice. Distribution on the basis of service which involves sacrifice would cut out from any share in the products of industry all social parasites, both the idle rich and tramps, and would set them to work, or give them an opportunity to fast. The world owes no man a living, but it does owe to every man an opportunity to earn a living. Our method of dividing social income gives to a large and growing class of idle rich a living without the least return to society on their part. If this class could be eliminated, a long stride towards the solution of the problem of distribution would be taken.*

Does Mr. Mathews, then, deny the right of all capitalists to any share of the produce which their capital has assisted labour to produce? No: he distinguishes. "Those whose only part in production is ownership of capital," he holds, "have

* P. 44.

no right to any part of the products of industry unless their capital is the result of their own exertions, or the exertions of those upon whom, through family relationships, they are dependent, and not the product of some other man's labour." He distinguishes, in fact, between capital rightfully earned and capital wrongfully earned. And his complaint is that this distinction is not recognised. But let us hear him once more.

At present it makes absolutely no difference whether a man inherited his capital or earned it as a motorman on a street car, whether he secured it in legitimate business or in an Amalgamated Copper Gamble—in short, whether he produced it or stole it. The laws of the country say to every man who owns capital, "We will protect you in the possession of your capital, and in the right to the possession of all interest that may be paid for its use. It makes no difference to us whether you earned it or not. That is a matter of slight importance. What we want to know is that you've got it. We are interested in the fellow that has something: even if some other fellow did produce it, that does not change our attitude towards you. You need our protection because you've got something. If the fellow who produced it wasn't able to establish a title to it and keep it, that is none of our business. He simply doesn't need our protection, because he hasn't anything to be protected. Even if he was compelled by hunger, for the sake of bread to eat, to relinquish all claim to the wealth he's produced, that is not a matter with which we are concerned, that is his look-out. You may be well assured that so long as you possess the capital, we, the laws, are your friends. And not only so: you may

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be assured of this also: that you have other friends standing behind us ready for action on your behalf, whenever necessary. These other friends are the military forces of the nation. With such friends, be at ease; invest your capital, however obtained; we will see to it that you are protected in the transaction.*

No doubt there is much truth in this vigorous diatribe, although it is far from being the whole truth on the question with which it deals. But if we ask Mr. Mathews how the laws are, in practice, to distinguish between capital rightly and capital wrongfully earned, his trumpet gives an uncertain sound.

It is impossible to say what portion of the capital employed in the country belongs to those who have contributed to its production. When we remember that one per cent. of the families of the country possess a greater amount of wealth than the other ninety-nine per cent.; that this same one per cent. of our richest families receive a larger portion of the products of industry than the poorest fifty per cent.; that they receive from property alone as large an income as half of the nation's inhabitants receive from property and labour together; when we recall the prevailing code of "business ethics," the laws of inheritance, the passing of millions of wealth from hand to hand among those who have never contributed the least use of muscle or grey matter to social welfare—when we think of all these things we are compelled to conclude that a very large portion of social capital is owned by those who can set up no moral claim whatsoever to it, and that all interest

* P. 88.

which is paid on such capital is so much taken out of the total social income, taken away from the producers, and paid over to non-producers.*

The practical measures to which Mr. Mathews looks for a remedy of the evils which he bewails, are apparently a large extension of public ownership, the curtailment of inheritance, and the introduction of co-operation in industrial concerns. On this last-mentioned point he writes as follows :—

Owners and managers have learned in recent years that the workers must be reckoned with. Through organisation these classes have secured recognition, but they have not secured all their rights. For this end we fear they are on the wrong track. They never will secure their rights in full so long as they recognise the wage system as the means of determining their share of social income. For fifty years they have been striking for higher wages, all the time recognising the wage system as the proper and legitimate agency for determining their portion. Whereas the wage system is only their first step towards economic freedom. The next step appears to be a voice in control, some form of co-operation. As has been repeatedly pointed out, the power to dictate the terms of division lies with the man who owns the material and the tools. So long as this power remains completely in the hands of those who are outside of the wage-earning classes, many of whom are antagonistic to these classes rather than in sympathy with them, so long the wage system cannot be relied upon to determine the wage-earner's fair share of the products of industry. So long as control is left where it is, the labour problem will be with us. The solution of this problem will be

* P. 99,

such a readjustment of the relation of the labourer to the product of his labour as will allow him to earn a living for himself without first being compelled to contribute to the living of capitalists and landlords, which he is now compelled to do. This problem will be solved speedily, easily, completely, and permanently, when all labouring people unite at the ballot box.*

These last words of Mr. Mathews' are worth pondering. It is to the ballot box, he tells us, that the toiling millions look for the redress of the evils which he so vigorously sets forth. Some half a century ago Ruskin wrote in his *Arrows of the Chace*: "The labouring poor produce the means of life by their labour. Rich persons possess themselves, by various expedients, of a right to dispense these means of life ; and, keeping as much as they want of it for themselves, or rather more, dispense the rest, usually in return for more labour from the poor expended in providing various delights for the rich dispensers. The idea is now gradually entering poor men's minds that they may as well keep in their own hands the right of distributing the means of life they produce, and employ themselves, so far as they need extra occupation, for their own entertainment and benefit rather than that of other people." During the decades which have elapsed since these words were

* P. 110.

written, the idea which Ruskin spoke of as “ gradually entering poor men’s minds ” has taken deep root there. During the same decades, too, preponderating political power has passed into their hands. That, as I pointed out in the last Chapter, is the issue of the reckless bidding of party against party for place and power. Leading politicians have preached the utterly unethical doctrine of the absolute right of numerical majorities ; nay, more, not a few of them have used every rhetorical artifice to split up our national solidarity, and to array “ the masses ” against the “ classes ”—to use Mr. Gladstone’s phrase. But political power is only a means. One of the clearest sighted of French publicists, M. Ledru Rollin, pointed out more than half a century ago that the goal of the democratic movement was economical, its course being “ *de passer par la question politique pour arriver à l’amélioration sociale.* ” You tell Lazarus that he is equal in rights to Dives. He naturally inquires, Where, then, are my purple and fine linen ? Between him and Dives there is what Mill euphemistically calls “ complete opposition of apparent interest ” ; and he, in his millions, is now master of the situation. Well may Mill inquire : “ Even supposing the ruling majority

of poor sufficiently enlightened to be aware that it is not for their advantage to weaken the security of property, and that it would be weakened by any act of arbitrary spoliation, is there not a considerable danger lest they should throw upon the possessors of what is called realised property, and upon the larger incomes, an unfair share, or even the whole of the burden of taxation, and, having done so, add to the amount without scruple, expending the proceeds in modes supposed to conduce to the profit and advantage of the labouring classes ? ” *

IV

There are two adjectives in this passage of Mill which deserve consideration ; they are “ arbitrary ” and “ unfair.” What is the criterion of *just* dealing in the matter ? Let us pursue, for a little, that inquiry. To do so effectively we shall have to go back to first principles too generally overlooked both by the classes and by the masses, by landlords and by labourers, by manufacturers and by their “ hands,” and usually quite unrecognised by the legislature.

* *Considerations on Representative Government*, p. 120.

I observe that Mr. Mathews calls his book, from which I have more than once quoted, *Our Irrational Distribution of Wealth*. I welcome the title. The appeal really is to reason, with which what is "arbitrary" and "unfair" is irreconcilable. It is by reason that we distinguish between right and wrong; and the true function of the lawgiver is to formulate, for the guidance of human society, the concepts of right which reason reveals; hence Aquinas has admirably characterised law as "a function of reason." * Those concepts of right we call rights. The two terms are, in their ultimate source, one. And it is the office of that branch of philosophy which the scientific jurists of Germany call "*Naturrecht*," "so to deduce the multiplicity of rights from the self-same fount, that they may be exhibited as governed by the unity of an inherent co-ordinating thought." † The basis of all rights—whether of nations or of the individual persons who make up a nation—is ethical. Hence the ancient and most wise maxim that justice is the foundation of the State—

* So the well-known passage in the Ninth Book of *Paradise Lost* :—

"We live
Law to ourselves : our Reason is our Law."

† Trendelenburg : *Naturrecht auf dem Grunde der Ethik*, p. 1.

“Justitia fundamentum regni”; and what is justice but, as the Roman jurispudent defined it, “the constant and perpetual will to give to every one his right”? As the State is founded on justice, so its chief function is to do justice. That, indeed, is not the view generally held on this important matter. Lord Macaulay, in his essay on Gladstone’s *Church and State*, tells us that the primary end of government is “the protection of the persons and property of men.” Assuredly this proposition is not true. If Macaulay meant “the *rights* of persons and property,” it is a pity that he did not say so. Equally indefensible is the maxim that the end of the State is “to promote the greatest happiness of the greatest number.” Happiness, indeed, is a question-begging word. If we take it in the Spencerian sense of “agreeable feeling”—which is, as I suppose, the sense it bears in the foolish dictum just quoted—assuredly it is not the end of the State to provide as much happiness as possible for the numerical majority. Their interests, real or ostensible, are not necessarily the interest of the body politic, as a whole, but are often opposed to it. No; the end of the State is not to manufacture “happiness,” but to define, maintain, amplify, and secure

its own rights and the rights of its subjects. This has been well put by "the master of those who know." The end of the State, Aristotle tells us, is εὖ ξῆν : noble or worthy life, which, too, is the end of the individual : an existence in accordance with the dignity of human nature : a complete and self-sufficient existence : the development of its own personality, and of the personality of its subjects, under the law of right.

For the State has a true personality, and, like the individuals of whom it is composed, is invested with all the rights flowing from personality ; rights springing from the ethical idea and psychological being of man, but realised only in civil society, which—and not the savage Utopia vainly imagined by Rousseau—is man's natural state : *Unus homo, nullus homo*. Now, according to all the great masters of ethics from Plato and Aristotle down to Spinoza and Kant, man, as man, possesses certain rights,* which are not derived from positive law, but are anterior to it, though it guarantees and secures them, and which may properly be

* The French Revolution doubtless did the great service of proclaiming the august verity, obscured and almost forgotten in the age of Renaissance Cæsarism, that man, as man, possesses natural and imprescriptible rights. Unfortunately, its leaders, their heads crammed with the sophisms of Rousseau, and unversed in real political philosophy, had no rational conception of those rights.

called innate, as “belonging,” in the words of Kant, “to every one by nature, independent of all juridical experience:” * rights which are ethical entities—that is to say, subject to the moral law: rights which are conditioned by duties and are strictly fiduciary in their character. One of these is the right to existence—liberty to live; one the right to personal liberty—to the self-determined use of a man’s faculties, mental and physical. Another right, which may properly be called natural, is the right to property. It is, however, referred by the Schoolmen to the secondary sphere of natural rights, because, as Aquinas explains, “the marking off of separate possessions is done not according to natural law, but rather according to human convention.” “Hence,” he continues, “private property is not against the natural law, but is added thereto by the discovery (*adinventionem*) of human reason.” † Like all rights, it is indissolubly linked to

* Kant, in his *Science of Right*, allows only one Innate Right, (angeborene Recht) Freedom. He goes on to explain: “Freedom is independence of the compulsory will of another: and in so far as it can coexist with the freedom of all, according to a universal law, it is the one sole original inborn Right belonging to every person in virtue of his humanity.” All the rights properly called natural are, as he observes, “included in the Principle of Innate Freedom”: are, we may say, aspects of it.

† *Summa Theologica*, 2, 2, q. 66, a. 2, ad 1.

obligations ; it is held for the benefit, not merely of the proprietor, but of the community in which it acquires validity and coerciveness. It is, in its original idea, the guarantee to a man, by the State, of the fruits of his own labour and abstinence—that is, of the ethical exercise of his personality. The philosophical justification of this right is that private property is necessary for the explication of personality in this work-a-day world. A desire to appropriate things external to ourselves, to convert them into lasting instruments of our will, is one of the elements of our being. We cannot picture to ourselves a state of existence in which man does not exclusively possess what is necessary for self-preservation. We may say that it is an attribute of man, although we find in the lower animals the foreshadowings of it : counterfeits—if we may so translate *μιμήματα*—Aristotle calls them, of man's life.

Such is the true account of the right to property generally. But ownership of property in land must be considered as being of a more limited and restricted kind than ownership of property in chattels. There is this great difference between the soil and other subjects of property, that its quantity cannot be multiplied.

The principle, underlying the feudal system, that the soil of a country is the common heritage of the country, is a true principle. And the philosophical justification of private property in land is, that, as a matter of fact, it is for the general benefit. This has been formulated, with his accustomed clearness and succinctness, by Aquinas: "If this field be considered absolutely," he writes, "there is no reason why it should belong to one man rather than to another. But if it be considered relatively to the opportunity of cultivating it, and to the peaceful user of the land, that presents a certain fitness why it should belong to one man rather than to another." * That is to say, that private property in land is just, according to the *jus naturale*, not *in se* and absolutely considered, but relatively to the effects which flow from it.

So much as to the right to property in general, and to property in land in particular. In itself, property is not theft, as Proudhon declares.† To

* *Summa Theologica*, 2, 2, q. 57, a. 3. The doctrine of Kant is similar. In his *Science of Right* he asserts, "the innate right of common possession of the surface of the earth," and adds, "This original community of the soil, and of the things upon it (*communio fundi originaria*), is an idea which has objective (practical—juridical) reality, and is altogether different from the idea of a primitive community of things (*communio primæva*), which is a fiction." § 6.

† "La propriété c'est le vol." The original form of the dictum was "La propriété exclusive est le vol," and it is due to Brissot de

quote once more the greatest master of ethics, as I must account him : “ The possession of riches,” Aquinas writes, “ is not in itself unlawful if the order of reason be observed : that is to say, that a man possess justly what he owns, and that he use it in a proper manner for himself and others.” * In other words, property is rightful if justly gained and duly employed. If not—well, if not, regarded from the point of view of *ethics*, it falls under the condemnation too sweepingly pronounced by Proudhon. And as a matter of fact, how much of the wealth of our richest classes can be said to have been justly gained ? Unquestionably there are large landholders who owe their broad acres to wrong and robbery ; those of them, for example, whose ancestors were enriched at the time of the Protestant Reformation from the spoils of religious foundations. But a still heavier indictment lies against a multitude of rich men of another order, the possessors of property iniquitously acquired in trade or commerce, or in financial gambling—“ the wealthy criminal classes,” Mr. Roosevelt has called

Warville. It will be found in his book, *Recherches sur la Propriété et le Vol*, whence Proudhon borrowed it without acknowledgment. There is a pungent saying of St. Jerome which has in some sort anticipated it : “ Omnis dives aut iniquus est, aut hæres iniqui.”

* *Contra Gentes*, lib. 3, 123.

them. How many of these owe their opulence to dreadful deeds of cruelty and extortion in the eighteenth century when the gospel of *laissez-faire* had free course and was glorified. And, to come to our own days, Sir George Lewis—than whom it would be difficult to find a better authority—writes : * “ Many of the large fortunes which have been amassed by ‘ mushroom ’ financiers and promoters, during the last decades, have been built upon foundations of trickery, deceit, and fraud, and if we examine the means employed, we find them little different from those of the racecourse thimble-rigger.” No doubt the men who have thus heaped up riches have, as a rule, kept “ o’ the windy side ” of the criminal law. But as assuredly, they have defied the moral law, whose penal sanctions are not less real than those embodied in Acts of Parliament. Nor will the plea of “ exceptional ability ” avail them. The ability which they have manifested is chiefly that of which Falstaff speaks : ability to steal well.

But further. To render the possession of riches lawful from an ethical standpoint, they must not only be justly acquired, but rightly used. A man speaks of *his* land, *his* goods, *his* money.

* In the anniversary number of the *Financial News*.

They are his in a qualified sense. Absolute ownership springs only from creation. We are not absolute owners : we are stewards, usufructuaries, trustees. The right of private property is conditioned by the duty that it should be made a common good for the community which validates and protects it. Can we say, as we look around us, that this duty is adequately fulfilled ? I confess that the peans raised in the newspapers and elsewhere over the prosperity of England, fill me with a feeling akin to despair. England a prosperous country ? Ah, no ! The true test of a country's prosperity is not the superabounding opulence of the few, but the substantial and rational comfort of the many. A man is prosperous when he possesses the means, not of bare subsistence, but of leading his life in security and comfort, according to his position ; of developing soul and body ; of bringing up his family decently. And a prosperous country is a country in which this is the true account of the people as a whole. The most prosperous nation is not the nation which has most manufactures, most millionaires, the largest imports and exports. The most prosperous country is the country which has the least pauperism. The rational distribution of wealth is of far

more importance than its accumulation. The conviction is deep and widespread in England, as well as in the United States of America, that the existing distribution of wealth is, to a large extent, what Mr. Mathews calls it—irrational.

And it is a true conviction. Socialists are well warranted in holding it and in preaching it. But their remedy is futile. Acts of "arbitrary" spoliation, the throwing upon the owners of realised property, and upon the larger incomes, an "unfair" share of the burden of taxation (to go back to Mill's adjectives) are utterly inexpedient because they are sovereignly unjust. The order of reason must be observed if we would make things better instead of worse.

For man consists in reason. He alone of all the animals has perception of justice and injustice ; he is, in Aristotle's phrase, an ethical animal ; and by ethics I mean the science of natural morality, indicating what is right and wrong, as befitting or unbecoming a rational creature. And as man consists in reason, so also does the State : " the inner ground for its existence," Lasson has well said,* " is man's endowment of reason, which is the most distinctive part of his manhood." Now assuredly

* *System der Rechtsphilosophie*, p. 296.

it is not reasonable that the relation of the wage-earner to the wealth which he helps to produce should be such as to give him no recognised right of any kind in the product of his own labour. It is not reasonable that we should find boundless luxury at one end of the social organism and hopeless pauperism at the other. It is not reasonable that great corporations should dominate whole fields of industry, holding the workers in economic slavery, and the consumers in a thralldom hardly less galling. All this is contrary to the true conception of the State as an ethical organism, rooted and grounded in those eternal principles of right which constitute the moral law. And to the general loss of that conception many—indeed most—of the economical evils from which we suffer are due. They are the result of that political atomism which the French Revolution introduced into the world : a doctrine substituting the individual for the family as the social unit : self-interest for self-sacrifice as the law of action : the will, or rather whim, of a numerical majority for the rule of eternal justice. In the elimination of this essential principle of the French Revolution lies the best hope—it is a far-off hope—of remedying the economic woes of the civilised world, of the healing

of the nations from their grievous wound. The great merit of Socialism is this: that in some fashion—in a most blind and distorted fashion—it witnesses to the organic nature of Society. Its great demerit lies in its not recognising that inequality is the universal law of life and the universal condition of well-being: that the very idea of the State, as of the family, which is its unit and of which it is the expansion, implies the diversity of its members: that in attacking the wrongs of individualism it attacks the inalienable right of the individual to live out his own life and to make the highest and best of himself, subject of course to the condition that he does not infringe the like right of others: that for the economic slavery of some, it would substitute the economic slavery of all.

V

Dr. Ingram has somewhere remarked: “The social destination of property in land, and of every species of wealth, will be increasingly acknowledged and recognised in the future, but the result will be brought about not through legal institutions,

but by the establishment and diffusion of moral convictions." I believe this to be a true prophecy so far as regards the increasing acknowledgment and recognition of the social destination of property. I believe, too, that moral convictions will have much to do with its realisation. But I feel convinced that those moral convictions will have to be largely embodied in legal institutions. The present industrial chaos is due to the lack of organic unity. The task which lies before us is the restoration of that unity. Assuredly the State may, by apt legislation, do much for such restoration. Professor Menger well observes that it is a function of Government to "extract from the interminable popular and philanthropic utterances constituting Socialistic literature the underlying ideas, and to translate them into scientific concepts of right."* The State is vitally interested in the well-ordering of economical relations; it is an ethical organism, and as such is bound to maintain the conditions without which a free exercise of the human faculties is impossible—conditions to which both the anarchic individualism of the old Political Economists, and the enforced

* *Das Recht auf den vollen Arbeitsertrag in geschichtlicher Darstellung*, p. 3.

equality of Socialism, are alike fatal. Let me indicate, in the barest outline, and as if by a few strokes of a pencil, some ways in which the State may and should work for this end.

First, then, as to capital and labour. It has been admirably remarked by Mill that "for any radical improvement in the social and economical relations between labour and capital, we have chiefly to look to the regular participation of the labourers in the profits derived from their labour." * For independence we must substitute interdependence: for competition, co-operation. The State should actively encourage, and by wise legislation aid, the systematic organisation of industrial society—organisation based on common pursuits, common aims, common duties, common interests.

Secondly the State should effectively interfere in industrial contracts for the protection of those who are unable to protect themselves. This is now so generally recognised that fewest words about it may suffice. The Anglican Bishop of Southwark, in a recent speech in the House of Lords, said—most truly—that the classes of labour which are unorganised and unprotected by

* *Principles of Political Economy*, Book V., ch. x., p. 5.

legislation make the greatest contribution to the ranks of the unemployed. He told their lordships of women in his diocese who were working from 6 a.m. to 11 p.m. daily for seven shillings a week, "nominally"; for, he added, "there are cases where the wage is only half that sum; sometimes large deductions are made from the sixpence per shirt." One thinks of the profoundly true dictum of Carlyle: "A fair day's wage for a fair day's work is as just a demand as governed men ever made of governing: it is the everlasting right of man."

Thirdly, as to monopolies. The text-books tell us that the law of England abhors them for three reasons: "the raising of the prices, the deterioration of the commodity, the impoverishment of poor artificers." These are quite sufficient reasons why the law should control them. How? Ten years ago Professor Ashley, in an address on American Trusts,* which deservedly attracted much attention, said: "I see nothing for it but that in countries where the monopolising movement is well under way the Government should assume the duty, in some way, of regulating prices." This might be done by

* It will be found in his book, *Surveys Historic and Economic*.

means of a Board formed in the same manner as the Railway Commission.

What are sometimes called public utilities are also monopolies, though of a different kind. Mill has remarked, "A road, a canal, a railway are always in a great degree practical monopolies, and a Government which concedes such monopoly unreservedly to a private company, does much the same thing as if it allowed an individual or an association to levy any tax they chose for their own benefit on all the malt produced in the country or on all the cotton imported into it." * We may add to Mill's list telegraphs, telephones, water-works, and gas or electric lighting. It seems to me that the case for public ownership of all these public utilities is overwhelming. It would certainly mean for the community at large better service and lower charges, and for employees improved conditions.

Fourthly, as to taxation. There can be no question that at present the public revenue is raised by a system—if system it can be called—which is irrational and unjust. The ideal of a fair impost is an *ad valorem* tax on property : not merely on land, but on the whole bounty of nature

* *Principles of Political Economy*, Book V., ch. xi., p. 11.

—the earth and all that therein is, except man himself, whether it exists in a natural or transmuted state. But in existing industrial and commercial conditions, this ideal cannot be realised ; the tax intended to be imposed on *all* property would turn into a tax on real property. There are two great fundamental principles which should underlie all fiscal systems, and which at present are adequately realised in none : the principle of equality of sacrifice and the principle that indirect taxation, if resorted to at all, should fall not on necessities, but on luxuries. Two imposts much debated just now are the income tax and the death duties. Who can rationally doubt that these imposts should be progressive ? The principle of equality of sacrifice absolutely demands it. The details of just graduation* cannot be here

* Mr. Carnegie, whose modesty is as striking as his munificence—not long ago, speaking in the New York Steel Institute, he ranked himself among “those who do a great work, and who really feel and know that they have received more than ten times more recognition than they were entitled to”—is fully conscious that large properties owe ransom to the community, and would levy death duties at the rate of fifty per cent. on the largest of them. As regards the income tax, its incidence in this country is manifestly and flagrantly unjust. On an income of £200 it is fifteen shillings per cent. ; on an income of £400, forty-five shillings per cent. ; on an income of £800, seventy-five shillings per cent. ; on an income of twice £800 it is just the same ; but if the income is from £2000 to £5000 it is a hundred and sixteen shillings per cent. ; while at £5000 the rate rises to a hundred and thirty-six shillings, at £10,000 to a hundred and fifty-one shillings,

discussed; the subject is too great and too intricate. The object of such graduation is, of course, to transfer the burden of taxation from classes now over-taxed—among them is the great middle class in this country—to classes that are under-taxed, in order to realise distributive justice, both as to public burdens and public benefits.

Fifthly, as to the unearned increment, especially in the case of land, virtually the only form of property which increases in value without the expenditure of labour—or, at all events, the only form which need be noticed here. It is unquestionable that this increase in land values is created by the community. It seems just that at all events a considerable portion of it should be taken by the community. What portion is a question to be considered from the point of view not only of abstract justice, but also of equity and expediency. Let us glance at New York—that will be less invidious than to take an example from our own country. During the ten years from 1890

and at £20,000 to a hundred and fifty-nine shillings. A man with an income of a million a year would pay not quite a hundred and sixty-six shillings per cent. The larger the income, the smaller is the charge due to proportionate ability to pay. It is obviously an arrangement devised in the interest of plutocrats, in which the true principle is absolutely inverted.

to 1900,* according to the official returns, the net increase in land values was \$1,000,000,000, which vast sum went into the pockets of the owners of the land on which New York City stands. "The Astor family," writes Mr. Mathews, "is an oft-given illustration of the manner in which it is possible to roll up millions by simply getting possession of the values produced by the growth of a community, without engaging in any productive industry, or without necessarily making any return whatever to Society. Soon after John Jacob Astor came to this country he began to buy land, and his family have faithfully followed his example until to-day, when their wealth is estimated at about \$5,000,000,000, chiefly the increase in land values because of the growth of New York City."† Meanwhile, a considerable portion of the inhabitants of New York, whose labours have gone to produce that enhanced value, are housed and nourished as we have seen in a former page of this Chapter. These facts are more eloquent than any tropes.

Lastly, speculation in stocks and shares is not the least important matter in which the State

* The increase of a single year 1908 has been estimated at \$284,000,000.

† P. 18.

should interfere by stringent legislation, on economic as well as on ethical grounds. To get possession of wealth without earning it, without producing the values represented by it—wealth, be it remembered, which really belongs to some one else—is morally wrong, and should be branded as legally wrong. The utterly unfruitful and unprofitable “operations” with stocks, shares, bonds, and in recent years even with produce like cotton and wheat, are gambling of the worst kind; nay, more, are essentially usurious, and should be rewarded not with a “pile,” but with the pillory. Usury has been defined by the Fourth Lateran Council as “the attempt to draw profit and increment without labour, without cost, and without risk, from the use of a thing which does not fructify.” It would be impossible to describe better the proceedings of the predatory financier who purchases a thing with no intention of getting possession of it, but merely to make a profit from its changes in price. The repression, under severe penalties, of these utterly unproductive operations, this wholly unfruitful manipulation—often flagrantly dishonest—of existing wealth, should certainly have a prominent place in our programme of social reform.

“Our Programme of Social Reform.” Assuredly such a programme, thoroughly well thought out, and unflinchingly carried through, is the one thing needful to preserve the existing framework of Society. The only way of maintaining the rights of property is to redress the wrongs of poverty. “*Justitia fundamentum regni.*” Other foundation can no man lay. “The moral laws of nature and of nations” reign everywhere, by their mandates and by their penalties. And a people which transgresses them inevitably incurs the retribution which is the other half of crime.

CHAPTER III

THE QUESTION OF PARENTAL RIGHT

I

A SHORT time ago, when a Parliamentary election was pending in one of the London boroughs, I came upon a statement which I will proceed to quote, in a journal of name :—

We notice that Mr. — (the Unionist candidate) has issued an account of the “Radical Record,” in which we find the following :—“The Radical Government has now been in power for over two years, with the following results . . . (4) The right of the parent to say what religious teaching shall be given to his child is seriously threatened.” As we have often pointed out, the parent has no such right as the Liberal Government is here depicted as robbing him of.

The newspaper from which I cite these words is, as a rule, one of the most ably written of our public prints, although the ability of the writers is chiefly directed to persuade their readers that all is for the best when the political party which

they support is in power. With that thesis I am not concerned. I propose to consider the denial of the right of the parent to say what religious education should be given to his children.

II

The glorious uncertainty of the law is proverbial. But if there is any point upon which it is unmistakably clear and beyond doubt, it is this of parental right. By the law of England the father is entitled to the custody and control of his children, nor can he divest himself of this right by any agreement however solemn. That was signally illustrated in the *Agar-Ellis v. Lascelles* cases, where the Court refused to enforce an antenuptial agreement to bring up the children as Catholics, and affirmed the well-settled principle that "a father cannot bind himself conclusively by contract to exercise, at all events in a particular way, rights which the law gives him for the benefit of his children and not for his own." And so Lord O'Hagan, in *re Meade's Minors*, laid it down that "the authority of a father to guide and govern the education of his children is a very

sacred thing bestowed by the Almighty, and to be sustained to the utmost by human law ; it is not to be abrogated or abridged without the most coercive reason." Of course this right, like other rights, may be forfeited. The Courts would deprive a father of it for gross moral turpitude, or if he has by his conduct abdicated his paternal authority : and various Statutes have provided against the abuse of it. But the general principle remains unquestioned and unquestionable. It is a fundamental doctrine of our law, affecting equally all classes of the community. In prisons, in workhouses, in industrial schools, provision is most carefully made by statute that children are to be brought up in their father's religion. Take, for example, the following section of the Reformatory Schools Act, 1866 :—

In choosing a certified reformatory school, the Court, justices, magistrate, or visiting justice shall endeavour to ascertain the religious persuasion to which the youthful offender belongs, and, so far as is possible, a selection shall be made of a school conducted in accordance with the religious persuasion to which the youthful offender appears to the Court, justices, magistrate, or visiting justice to belong, which persuasion shall be specified by the Court, justices, magistrate, or visiting justice.

The right of the father, then, so confidently and so ignorantly denied, is emphatically recognised

by English law. Has it no deeper foundation, no august sanction? I am well aware that the great majority of publicists in this country would answer that question in the negative. Matthew Arnold was not in error in calling the doctrine that "all rights" (*all*, observe, without exception) "are created by law, and are based on expediency, and are alterable as the public advantage may require," "the English doctrine." Nay, he blesses and approves it as the "sound" English doctrine, and, what is more, as his own: "that orthodox doctrine is mine." * I wonder whether the accomplished scholar who thus wrote, remembered that the doctrine so glorified is precisely the doctrine of the Sophists which Plato refuted by arguments as valid now as they were two thousand years ago. But let us consider this "sound English doctrine" a little in the light of first principles. And I must ask the reader's pardon if, in proceeding to do this, I dwell again on certain considerations which I have urged in previous pages. My excuse must be my desire that each of the Chapters of this book should, as far as possible, be whole in itself. I may cite too a very just observation of Herbert Spencer, with whom it is always

* *Mixed Essays*, p. 62.

a pleasure to agree: “ Only by varied iteration can the truth be impressed on reluctant minds.”

III

What, then, is a right? It is evidently something which cannot be seen, touched, tasted, or smelt : something beyond the grasp of the senses : something immaterial. Physical science knows nothing of rights ; it is concerned only with facts. For the very notion of a right we must go to an order of verities transcending the visible and tangible universe : to what Aristotle has taught us to call metaphysics, to supersensuous realities. Yes, I am afraid a right must be described—there is no help for it—as that thing so deeply detested by an influential school at the present day, a metaphysical entity ; nor do I think that we can improve upon the old definition of it as “ a moral power residing in a person, in virtue of which he calls anything his own.” Note, please, the words “ moral ” and “ person.” My dog’s collar happens to lie before me on the table as I write. It belongs to me. Why ? In virtue of my right to property as a person. I have bought it ; that is to say, I

have obtained it from another, with his free consent, in exchange for something else which was mine: the power by virtue of which I call it my own, rests upon the ethical exercise of my personality. It would not belong to a thief who stole it; he is a person indeed, but he would have obtained it by an unethical exercise of his personality: his power over it would not be moral. It cannot belong to my dog who wears it, because he is not a person: he does not even belong to himself, but to me. Personality—the ethical idea and psychological being of man—is the source and fount of that moral power termed a right in virtue of which we call anything our own. Man alone of all the animals, as Aristotle puts it, is free; he exists for himself and not for another. He has an indefeasible right to live out his own life: he has an indefeasible right to what is necessary to enable him to do that. And property is necessary—necessary to the true idea of human personality in this workaday world, to its full explication, its complete development. Hence it belongs to the moral realm, the realm of rights: it is one of the natural rights of man.*

* But it belongs, as was noted in the last Chapter (p. 76), to the secondary sphere of such rights, and not, like the right of

It is, in its original idea, the fruit of a man's labour and abstinence, that is, of the ethical exercise of his personality: it is realised liberty. It is not the creation of the State. What its relation to the State is we shall see presently.

I have touched upon property as a familiar example to illustrate the meaning of the word "right." The right to property really flows from a man's natural prerogative to himself determine the use of his faculties, mental and physical, which is personal liberty. And that is the true account of another manifestation of man's aboriginal right to freedom — his right of existence, liberty to live. And of yet another — his right to political liberty, the right to be considered in the legislation and government of the commonwealth, for he is not a thing, an instrument for the use of other men, but a person. These are among the rights of men which may properly be called natural, as issuing from the nature of things, as attaching to that

existence, to the primary sphere. And so it has to give way to that higher right, if the two come into conflict. It is the common teaching of the greatest masters of ethical science, and has been for the last thousand years, that extreme necessity makes all things common; so that a man, who through no fault of his own, is in danger of perishing by hunger, may without moral culpability, take from another, even against the other's wish, what is necessary for the sustentation of life.

attribute of personality which is the very ground of human nature. But these innate rights of the individual are not, of course, absolute. They are conditioned by duties, and if the duties are disdained, they may lose their character and become wrongs; they are strictly fiduciary and are subject to that eternal rule of justice which we call the moral law, and which is a natural and permanent revelation of Reason.

For these rights, as I insisted in the last Chapter, are but the subjective expressions of Right. We may say of them, in the words of the tragic poet, that "they live for ever, and no one knows their birthtide." They are anterior to positive law and human convention. Surely this is evident. Imagine a number of settlers in a new country outside the jurisdiction of a State, before they have had time to frame a polity. Are they, then, devoid of these rights? Has the individual man no personal prerogatives which should prevail against the passion or caprice of his fellow? But we are told that all rights arise from a contract, express or implied. As a matter of fact, human society is not founded upon a contract, although I allow a virtual compact whence is derived the binding obligation of laws regarding things in

themselves indifferent. But if the rights of which I have been speaking exist at all—and, in practice, every one admits their existence—they possess *universal* necessity. A contract may or may not be : it is contingent. But these rights *must* be : they are absolute. What is necessary and immutable cannot proceed from the accidental and changeable.

We may demur—every scientific jurispudent must demur—to some, I might say to many propositions in the famous *Declaration of the Rights of the Man and the Citizen* which served as the manifesto of the French Revolution. But, as I observed in the last Chapter, it is correct in asserting that man has “natural, inalienable and sacred rights.” Green, indeed, more accurately puts it that there is “a system of rights and obligations which *should* be maintained by law, whether it is or is not, and which may properly be called natural.” * This is what “the law of nature” meant for the great Roman jurists ; this is what the phrase means for the illustrious jurispudents of Germany who follow in their footsteps. Curiously enough, their teaching has been much misconceived by a distinguished English writer whose

* *Works*, Vol. II., p. 339.

work for ancient law and early institutions I should be the last to undervalue. Sir Henry Maine tells us, "The law of nature," as the Roman jurisconsults conceived of it, "confused the past and the present"; "it implied a state of nature which once had been regulated by natural law," while "for all practical purposes it was something belonging to the present, something entwined with existing institutions, something which could be distinguished from them by a competent observer." * I believe that for the Roman jurisconsults the law of nature did not imply "a state of nature which once had been regulated by natural law." They regarded it as belonging to the domain of the ideal, as the type to which positive law should endeavour, as far as may be, to approximate; but they were well aware that the approximation must vary, indefinitely, according to social conditions. Following the teaching of the philosophers of the Porch, they deemed of the law of nature as an objective law of righteousness, embodied in, and learnt from, the highest part of nature—Reason. And they identified this *jus naturale* with the *jus gentium*, because it is found in all countries, and is applicable to all men on

* See *Ancient Law*, c. iv.

whose hearts and consciences it is written. Its dictates are the body of rights, "the obligatoriness of which," to quote the words of Kant, "can be recognised by the rational faculty *a priori*." This is, in Burke's magnificent language, "that great immutable, pre-existent law, prior to our devices and prior to all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir." "This law," Cicero declared two thousand years before, "no nation can overthrow or annul; neither a senate nor a whole people can relieve us from its injunctions. It is the same in Athens and in Rome; the same yesterday, to-day, and for ever." This is the law of which Hooker majestically proclaims, "Her seat is the bosom of God, her voice the harmony of the world: all things in heaven and earth do her homage; the very least as feeling her care, and the greatest as not exempted from her power."

When we speak, then, of the law of nature, we mean an order or standard of Right not made by man, the obligatoriness of which, to use the words just cited from Kant, which we shall not better, "can be recognised by the

rational faculty, *a priori*.”* It is the ideal type to which positive law should ever more and more approximate, though it can never be wholly realised in human enactments. Positive law, we may say, does not *make* right, it merely declares it. The office of positive law is to clothe right with might, to give to right validity in civil society, to convert “ought” into “is.” Human law, properly considered, is not what Mirabeau called it, “a caprice”: it is the rational or ethical will—the two adjectives mean the same—of the commonwealth; or, to quote the well-known dictum of Kant, “the expression of the reason (Vernunft) common to all.”

IV

And now to return to the immediate subject of this Chapter. I say that the authority of the father, rightly recognised and enforced by the law of England, has a yet higher sanction: the sanction of those “moral laws of nature and of nations” whence our jurisprudence derives its light and life. “Family and household rights,” Green

* Cicero, in the *De Officiis*, calls it, very happily, “ipsa naturæ ratio quæ est lex divina et humana.”

admirably points out, "do not arise from the existence of the State, but are antecedent to it." * The authority of the father is a natural right, or, in the words quoted from Lord O'Hagan, "a very sacred thing bestowed by the Almighty, and to be sustained to the utmost by human law." It is not, of course, from the merely animal function of generation that the *patria potestas* arises: no, but, as Trendelenburg forcibly insists, from the spiritual and moral ground of man's spiritual and moral nature.† It is in virtue of the moral power residing in the father as a *person* that he calls his children his own, although as they too are *persons*, they can never be his property; they can only belong to him, as Kant puts it, "by way of being in his possession." ‡ Trendelenburg adds—what, of course, is incontrovertible—that the right of the father is accompanied by the duty of labouring for the ethical good of the

* *Works*, Vol. II., p. 536.

† *Naturrecht auf dem Grunde der Ethik*, § 136.

‡ He continues, "The Right of the Parents is not a purely Real Right: consequently it is not alienable (*jus personalissimum*). But neither is it a *merely* Personal Right: it is a Personal Right of a *real* kind: nicht ein bloß persönliches, sondern ein auf dingliche Art persönliches Recht." See the profoundly interesting discussion in his *Science of Right* (sections 28 and 29), where—as he expresses it—the investigation of the relation of Parent and Child is "carried back to the ultimate principles of the Transcendental Philosophy."

family of which he is the head, of bringing up his children as ethical beings, that is, as men. Moreover, the authority of the father manifestly exists not only for his own sake and the sake of his children, but for the sake of the community as well. It is the very first principle and root of the family : and the family is the true foundation of the State.

That is a truth upon which we cannot too emphatically insist in this age. It is an age of dissolvent individualism—that is part of the legacy which has been left to us by the French Revolution. Whatever the French Revolution was or was not, no one can doubt that it was an attempt to translate into fact the political and social sophisms of Rousseau. The underlying doctrine of that great Anarch was that the individual—the abstract man, who is the unit of the Rousseauian speculations—is the true Sovereign, that the State exercises his sovereignty by delegation through an imaginary social contract in virtue of which each, while uniting himself to all, obeys only himself ; and that the popular will is the supreme source of justice and the organon of right and wrong. But the true unit of human society is not the abstract man ; it is the concrete family. The Jacobinism,

of which Rousseau is the ultimate author, has done its best to destroy the family. A great French writer, whom I must account not only the supreme artist in romantic fiction but also the most clear-sighted of publicists, judged "En coupant la tête à Louis XVI., la Révolution a coupé la tête à tous les pères de familles. Il n'y a plus de famille aujourd'hui." In the more than half-century which has elapsed since Balzac wrote these words, Jacobinism has pursued successfully in France its work of destruction by undoing the sanctity and continuity of marriage upon which the family rests. Its latest victory has been to transfer to the State the most sacred of paternal rights and prerogatives in respect of the education of children. Of course, in thus setting up the State as a sort of foster-father, the present masters of France may plead the direct authority of Rousseau, who sent his new-born children, one after another, to the Foundling Hospital, claiming, as his biographer tells us,* for this procedure "the merit of self-denial and high moral courage." His Jacobin successors have, indeed, bettered the instruction thus given them by the example of their spiritual father. He had every

* Morley's *Rousseau*, Vol. I., p. 127.

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reason to believe that his offspring would, at all events, receive Christian education. They lay their unclean hands upon the little ones of the French people with the avowed intention of rearing a nation of Atheists.

That such is the intention of those in this country who deny the right of the father, I by no means affirm. Comte, unless my memory is at fault, tells us that the logical issue of Protestantism is Atheism. It appears to me that Agnosticism would be a more truly descriptive word. But logic is not the guide of life. And I believe that most of those who oppose what is called "sectarian religious teaching" * in our public primary schools, are as little open as I am to the charge whether of Atheism or Agnosticism. Nay, I think that the vast majority of them would agree with me in holding that it is for the father to determine in what religion his children should be brought up. And I take it that for most Protestant Non-conformists, and for a large number reckoned among the adherents of the Established Church, the School Board version of Christianity supplies all the religious instruction which they think

* The phrase is somewhat absurd ; confessional would be a better adjective.

needful. I am by no means inclined to undervalue this “Biblical teaching,” as it is called. I suppose its practical effect is to instil into the minds of children that sense of Divine Providence, and that habit of endeavouring to look upward, which are distinctive of the Hebrew Scriptures, and to familiarise them with the sacred scenes and pregnant precepts of the Evangelical history. Doubtless it brings home, more or less effectively, to many who receive it, the highest and most operative ideals. Those august lessons from beyond the grave, uttered, as it were, from the realms of eternity, can hardly fail to infuse an element of poetry and morality into many lives. As compared with no religious teaching at all, it is something considerable ; and it is more than a State which has ceased to be distinctively Christian, if acting within its logic, could fairly be expected to give to the children whose education it undertakes or supervises.

And this brings us to the question : What has the State to do with the education of children ? Why should it interfere in a matter which belongs to parental prerogatives, a matter which is the right of the father ? Assuredly it is not the duty of the State to be the schoolmaster of a nation’s

children. The true principle has been excellently stated by John Stuart Mill in his *Political Economy* :—“ A Government is justified in requiring from all the people that they shall possess instruction in certain things, but not in prescribing to them how, or from whom, they shall obtain it.” And so in his book *On Liberty* :—“ When society in general is in so backward a state that it could not or would not provide for itself any proper institutions of education unless the Government undertook the task, then, indeed, the Government may, as the less of two evils, take upon itself the business of schools or universities.” Well, I, for one, cannot deny that the actual situation in this country does warrant the State in interfering in education. We live under a system of what is called Popular Government. And I suppose no one will demur to Lord Sherbrooke’s dictum that we must educate our masters—whatever misgivings we may feel regarding the power of such education as they are capable of receiving, to fit them for swaying the rod of empire. But how is it possible, in the existing condition of society, for fathers in a very large—nay, in the largest—number of cases to attend to this matter? Consider the ordinary mechanic, or rural labourer, or factory hand, or

small shopkeeper ; or go through street after street, alley after alley, in the East End of London, or in the poorer quarters of any of our great cities ; and you cannot but realise what a mockery it would be to ask the fathers—or the mothers—to charge themselves with their children's education. The father's right and prerogatives fall into a kind of abeyance if he is unable to fulfil the duties correlative with them. And assuredly the State has an obligation in respect of children who without it would receive no education at all : for the State is the expanded family.

Necessity is laid upon the State in this matter, and that was the consideration which originally led to the formation of School Boards. But to say, as is justly said, that the State has a duty to children whose parents cannot see to their education, is a very different thing from saying that the whole or a large part of popular education should be in the hands of the State. That is, however, the present position—and we must make the best of it. From being the tutor and foster-father of waifs and strays, the State has acquired what is virtually the general control of popular education. But assuredly that control

should be exercised subject to the just claims of parents who have never forfeited or abdicated their parental rights. To force upon such parents, directly or indirectly, for their children, a religious teaching of which they disapprove, is a gross invasion of those rights. The proper attitude of the State to religions in this age is an attitude of benevolent neutrality towards all: to favour none unduly, and certainly not to compete with them on behalf of a new religion of its own making. Such seems to me the true principle upon which legislation concerning this grave matter should be based. And to build on any but a true principle is but lost labour. An edifice so reared will rest upon a foundation of sand. It will fall, and great will be the fall of it.

CHAPTER IV

THE IRISH QUESTION

I

MR. BIRRELL, in a letter to *The Times*, published in that journal on the 14th of October, 1909, lamented "the incurable ignorance prevailing in both Houses of Parliament as to the principles, details, and past history of the Irish Land Question, and as to its present position." I am quite sure that the lament was well founded. But the ignorance which Mr. Birrell rightly bewailed is not confined to the Irish Land Question. It extends to the Irish Question generally, of which arrangements for land purchase form only part. How dense that ignorance is, may be inferred from a confession made by Mr. Lloyd George that he has never even read the *Act of Union*. If so diligent a politician as Mr. Lloyd George has not thus far pursued his researches on the Irish Question, it is

hardly probable that most members of either House are more advanced in its study. Can we reasonably suppose that among the English and Scotch representatives who legislate for Ireland, there shall be found fifty righteous who have taken the trouble to qualify themselves in any degree for that duty? Or is it not much more likely that, as in the case of Sodom, not even ten shall be found? Anyhow, it gives rise to unspeakable reflections that, while no one can practice the law, or medicine, or even dispense drugs, in this country, without some guarantee of his fitness, the most momentous, the most far-reaching, the most delicate problems of statecraft are entrusted to persons destitute of the quite elementary knowledge needed for even comprehending them. Mr. John Redmond was well warranted in writing: "It is much to be feared that not only the bulk of Englishmen, but many English statesmen, do not yet clearly understand the nature of the Irish demand, or the grounds on which it rests. I venture to say that there are many even intelligent Englishmen who do not know that there ever was a Parliament in Ireland; while the number who are aware that the old Irish Parliament was almost coeval, and actually co-ordinate with the English Parliament,

might be counted on the fingers of one's hand." * No ; British politicians don't know and they don't want to know about that. Absorbed in the struggle for place and power, they are of those whose eyes the god of this world has blinded. Their energies are devoted to playing the party game. Not facts but votes are of importance to them. The history of Ireland, the aspirations of Ireland, the needs of Ireland, are matters which do not enter their minds. Irish votes—the votes, I mean, of the Nationalist members—are quite another matter. They are sometimes wanted : and they have to be paid for. Of course, this is quite in accordance with the rules of the party game. With two exceptions, the Liberal party has held office, since the first Reform Bill, by the support, or the sufferance, of the Irish representatives. Nor, if we are to credit a curious chapter in Lord Morley's *Life of Gladstone*—and I do not know why we should not—are the Liberals the only party which has been prepared to make a deal with them. But really the party point of view interests little, and is daily interesting less, the great majority of “sensible and just

* Introduction to Mr. Barry O'Brien's *A Hundred Years of Irish History*, p. 25.

Englishmen," to use Cobbett's phrase. They ask themselves a question not often asked by the players of the party game, for whom, indeed, it is an inconvenient question. They ask what is the real significance of the Nationalist party, what is the goal at which that party aims? Let us see what the true answer to this question is.

II

The leaders of the Nationalist party are the proper persons to reply to it. Mr. Butcher, speaking "on behalf of the Unionist Associations of Ireland," is reported to have said, "Home Rule is a shifty, shuffling affair, which varies according to the audience, the country, and the climate." No doubt justification may be found for these words. Mr. John Redmond, for example, when addressing his American paymasters, speaks with a truculence not found in the speeches which he delivers in England. Still, I do not think that, on the whole, the leaders of the Home Rule party are open to the charge of uncandour. Let us go back to Mr. Parnell : that will suffice for the present moment : we will go back further later

on. He entered Parliament in 1875. In four years he was a power in the country; and the Home Rule movement still bears the impress which he gave it. It was at Mayo, on November 5th, 1885, that he made his famous declaration of principles: "Speaking for myself, and, I believe, for the Irish people * and for all my colleagues in Parliament, I have to declare that we will never accept, either expressly or impliedly, anything but the full and complete right to arrange our own affairs, to make our land a nation, to secure for her, free from outside control, the right to direct her own course among the peoples of the world." And now we will turn to the present leader of the Home Rule party. At the Mansion House, Dublin, on September 4th, 1907, Mr. John Redmond said: "The Irish National party stands to-day in exactly the same position that Parnell stood. We have not changed our demand. Our demand remains to-day absolutely as it was when Parnell accepted the statutory Parliament, with an Executive responsible for it." Three months before he had said at Newry: "I remember when Parnell was asked whether he would, on behalf of the united

* The reader will observe that Mr. Parnell, claiming to speak on behalf of the majority of adult males in Ireland, identified that majority with "the Irish people."

Nationalist nation that he represented, accept as a final settlement the Home Rule compromise proposed by Gladstone—I remember his answer. He said, ‘I believe in the policy of taking from England anything we can wring from her which will strengthen our arms to go on for more. I will accept the Home Rule compromise of Gladstone as an instalment of our rights, but I refuse to say that it is a final settlement of the national question, and I declare that no man shall set a boundary to the onward march of the nation.’” This is quite in accordance with Mr. John Redmond’s earlier utterances. Thus at Kanturk, on November 17th, 1895, he declared: “Ireland for the Irish is our motto, and the consummation of all our hopes and aspirations is, in one word, to drive English rule, sooner or later, bag and baggage, from our country.” And at Cork, on October 23rd, 1901, he explained: “This United Irish League is not merely an agrarian movement. It is first, last, and all the time, a national movement; and those of us who are endeavouring to rouse the farmers of Ireland, as we endeavoured twenty years ago, in the days of the Land League, to rouse them, are doing so, not merely to obtain the removal of their particular grievances, but because we believe that by rousing

them we will be strengthening the national movement, and helping us to obtain our end, which is after all, the national independence of Ireland." *

Now what are we to say to these declarations ? The present is the outcome of the past. Let us look at the history of Ireland—the briefest glance at the dismal, the ghastly story, will suffice. The Irish are a Celtic people. The whole of their country has been confiscated three times over for the benefit of an alien race. The Irish are a Catholic people. From the accession of Elizabeth till towards the close of the eighteenth century the endeavour of England has been to force upon them, by every manner of tyranny, Protestantism, their sacred edifices and religious endowments being conferred upon an alien Church. And under the Tudors began the commercial invasion of Ireland.

The scheme (writes Mrs. Green) was fully mapped out under Henry VIII. The whole of the inhabitants were to be exiled, and the countries made vacant and waste for English peopling ; " then the King might say Ireland was clearly won, and after that he would be at little cost and receive great profits, and men and money and pleasure." There would be no such difficulty, Henry's

* I do not think it necessary to encumber my pages with the references—they are before me—to the sources whence I derive these pronouncements.

advisors said, to "subdue or exile them as hath been thought," for lands settled by the English would be centres from which the plantations could be spread into the surrounding territories, and the Irishry steadily pushed back at last into the sea. Henceforth the English never wavered from their intention to "exterminate and exile the country people of the Irishry." . . . Troops were poured into the country; themselves fed by the corn of Danzig and the fish of Newfoundland, they were charged to exterminate a people by famine, and "reform Ireland by replenishing it with English inhabitants." The soldiers prepared the way for speculators, who held royal licences to seize all the yarn and wool of the country, to engross all its corn, to capture all the carrying trade. While the Continental trade of Ireland was destroyed, a debased system of coinage was found useful in drawing to London the profits of her English trade. So thorough was the work of "reformation," that before it was complete the flourishing towns of Ireland sank into ruins, the people lay dead in thousands upon the fields, and the new planters used even the former chiefs "to bear and draw with their fellows." For complete subjection it was also held that the mind of the people must be atrophied—and the destruction of their law, history, language, poetry, followed as a matter of course. How easily literature is disturbed, we may see from the effects of the Norman invasion in England for a century and a half. In Ireland there was more annihilation. Schools in town and country were broken up, books destroyed, professors of learning slain or turned out to beggary. No Irish University was allowed: Irishmen were permitted or forbidden to study at Oxford as it suited the Imperial policy. There was no attempt to replace the old learning, which had been destroyed, by any new study. The printing press, when it had issued some treason proclamations, a Protestant catechism, a Bible, lay idle. The education offered to the Irish by England, was the same as that offered to Greece at that time by the Turks—a tribute of children to be separated from every tie of

country and of race, trained in the Imperial conqueror's religion, and enrolled in the Imperial service.*

It is not necessary to follow the sickening story of Irish wrongs during the sixteenth, seventeenth, and eighteenth centuries. There is a dictum of Kant's that "law should be the passionless expression of right." The law by which Ireland was governed, during those three centuries, was the passionate expression of wrong. Mr. Gladstone was well warranted when, in his famous speech on the second reading of his first Home Rule Bill, he asserted: "Go into the length and breadth of the world, ransack the literature of all countries, find if you can a single voice, a single book, in which the conduct of England towards Ireland is anywhere treated except with bitter and profound condemnation." It is a saying attributed to Grattan: "To find a worse government than the government of the English in Ireland, you must go to Hell for your policy and to Bedlam for your discretion." Towards the end of the eighteenth century, indeed, a gleam of hope visited the unhappy country. In 1778 the movement of the Irish Volunteers began among the Protestants of

* *The Making and Unmaking of Ireland*, pp. 464-467.

the north to protect the town of Belfast against French invasion ; and quickly it spread—to quote the words of Mr. Lecky—“ to other parts of the island, and [though] Catholics were not yet enrolled they showed warm sympathy with it, and subscribed liberally towards its expense.”* The Volunteers soon numbered forty thousand men, well disciplined and appointed, and then in 1782 the boon of legislative independence was conceded to their demands, the English Statute explicitly providing that “ the right of the Irish Parliament to make laws for the Irish people shall at no time be questioned or questionable ”—words which read strangely in the light of subsequent events. In the next decade came the conspiracy of the United Irishmen, culminating in the mad rebellion of 1798 and the abominable atrocities of its repression. Then followed the legislative Union, concerning which I see no reason for dissenting from the judgment passed by Mr. Goldwin Smith : “ The Union may be said to have been carried by political necessity combined with the exhaustion and panic following upon a civil war. . . . The Catholic bishops, the best judges, perhaps, of the interests of their people, were

* *Leaders of Public Opinion in Ireland*, Vol. I., p. 56.

for the measure, and the chief of them took an active part in its favour.”* But it must always be remembered that England virtually promised Catholic emancipation as the condition of the Union. For twenty-eight years that promise remained unfulfilled; and when at last it was fulfilled, the fulfilment was due to fear. The Duke of Wellington frankly confessed that it was conceded to avoid civil war. That was the one great measure of justice granted to Ireland for forty years after the legislative Union. And the various other measures of justice which she has obtained since have been given grudgingly and as of necessity, the hand of Protestantism being ever outstretched to arrest, if possible, and, if not, to maim and mutilate them. “Nothing,” said John Bright, “has been done for Ireland except under the influence of terror.” The disestablishment and most incomplete disendowment of that gigantic iniquity, the Irish Protestant Church—a measure accompanied by colossal jobbery—came in 1869, and in 1870 what purported to be a measure of Land Reform: but both were extorted by Fenianism. Mr. Gladstone thought, as we learn from

▪ *The United Kingdom: A Political History*, Vol. II., p. 294. I agree also with Mr. Goldwin Smith that too much fuss has been made

Lord Morley's work, that these two Acts would settle the Irish difficulty. As a matter of fact they still more unsettled it. No real measure of land reform came until 1881. The Act of that year was due to one of the most lawless and most violent associations which the world has ever seen—the Land League. And it was precisely because of its lawlessness and violence that the Land League succeeded. But what was it which called the Land League into existence? To answer that question we must glance at the economical history of Ireland during the nineteenth century.

III

Mr. F. H. O'Donnell, in his most interesting and most illuminating *History of the Irish Parliamentary Party*,* tells us that the key to the Home Rule movement is in "national resentment," which he describes as "a composite result of antecedents and occurrences all centred in the

about the means whereby the Union was carried. Votes were on sale—they often are—and they were bought. From the ethical point of view, the way in which they were bought does not matter much.

* I borrow here a few sentences from an article of mine, founded on Mr. O'Donnell's book, and published in the *Nineteenth Century and After*, of May, 1910, to which I would refer the reader.

Act of Union as the source or object of their existence." No doubt this is true. O'Connell's Repeal Agitation was the outcome of that resentment. But what fanned Irish discontent—and justly—into a flame, was the policy of the British Government during the Black Famine of 1845–1847. The potato, which was the staple subsistence of the toiling people of Ireland, failed; and hundreds of thousands of men, women, and tender children were left to starve. The vast acreage of corn had not failed: but the masses had no money wherewith to buy it, and the food which might have kept them alive went to foreign purchasers. In the year 1845 there were exported to England 3,250,000 quarters of wheat, besides cattle, making a total value of £17,000,000. The Government did nothing. The Irish landlords—let this ever be remembered—called for help for the perishing people, and called in vain. On January 14th, 1847, they assembled in Dublin—eighteen peers, seven hundred county gentlemen, and thirty-seven members of Parliament—and passed resolutions imploring, among other things, the suspension of all laws impeding the advent of food, the employment of all means, regardless of cost, required to save the people, and the use

of the Royal Navy to carry food. They implored in vain. The British Government did nothing. Its hands were tied by the teachings of the old school of political economists, termed "orthodox," specially dear to the "middle-class Philistines," as Matthew Arnold called them, whom the narrowing and disastrous policy of Lord Grey's Reform Act had placed in supreme power. The same doctrine of devils which issued in the horrors of English manufactories and mines, glanced at in a former Chapter,* condemned the starving Irish—to starve. Proposals that the export of food from Ireland should be stopped, were contumeliously dismissed. As Lord John Manners, afterwards Duke of Rutland, expressed it, "Lord George Bentinck and I tried to keep the corn in Ireland while the Irish were starving, but the Free Traders wanted the hocus-pocus of Supply and Demand." Lord John Russell, then Prime Minister, even refused the use of the Queen's ships for the conveyance of food on the ground that it would interfere with the profits of private enterprise, or to quote his own words—that "it would be a great discouragement to individual shipowners." At last an Act of Parliament was passed for outdoor

* See p. 58.

Relief; but it contained the astonishing, the almost incredible provision that “no applicant should be entitled to benefit by it who possessed more than a quarter of an acre of land.” Yes: to give up their farms, in order to get for their wives and children some of the yellow porridge provided at the public expense, was the condition imposed on all Irish farmers who possessed more than a quarter of an acre. As Mr. O'Donnell writes, “There were scores of thousands of Irish families with ten, twenty acres of land, who now had no more crop and no more food, than the quarter-acre man or the roadside beggar without a cubic foot of any soil whatever. Clearly the first and indispensable step to be taken in any failure of crops, in an agricultural population, is to help to keep the tillers in life and work upon their holdings until the temporary crisis has been passed. But the British Parliament in the Black Famine of Ireland decreed that the entire population must quit their holdings, must become homeless and houseless paupers, under pain of stern and strict denial of a morsel of relief for man, and wife, and child. ‘I have a farm of twenty acres, sir, and a good house upon it, and my tables and chairs, and beds, and all my farming things. For God’s sake, sir, help me to live on it,

and to till it against the next harvest. Do not turn us out on the cold road for being only unfortunate by the visitation of God.' So pleaded hundreds of thousands of Irish agricultural men in 1845 and 1846 to the representatives of British Government—the Government which had taken the place of the Irish Legislature ; and the reply of English law was invariably and inexorably : ' You must quit your holding, you must go on the road with wife and child ; or not even a handful of India meal shall you have for your hunger and the hunger of your little ones. You shall not be helped to till your farms. Go work upon our relief roads, which are not wanted, which lead nowhere, but which are our economic test that you Irish are really destitute and are not shamming.' On March 6th, 1847, there were 730,000 Irish heads of families on the Government relief works, representing at least five times as many human beings, and 730,000 Irish farms had for ever been put out of the way of being of use to the perishing people." *

It is computed that from one and a half to two millions of Irish people—men, women, and children—perished in the Black Famine

* O'Donnell, Vol. I., p. 33.

or through its effects. Nearly two millions more were lost to Ireland by that vast tide of emigration to the United States which set in. And what an emigration !

“ I have spoken,” writes Mr. O'Donnell, “ to scores of Irishmen and Irish-women who had lived through that journey in the foul emigrant ships of the period. There never was such a flitting of a miserable folk. The fugitives were packed like sardines in fetid steerages. Starvation and sickness held them prostrate. Brutal and immoral crews dominated them. Hundreds of pure Irish girls, faint and helpless in their desolate condition, were outraged by brutish ruffians. Much was done by the best part of the American public to lessen the wretchedness of the incoming multitudes. Uprooted from their agricultural occupations, without a cent to secure the rural homesteads of the Republic, the famishing men and women took any kind, and necessarily the coarsest kind, of labour for daily bread. Vast numbers of the immigrants knew nothing or little of the English language. There were not even priests who could speak Gaelic to these displanted Irish, and the refugees lost their remnant of Catholic religion by hundreds of thousands. Not for thirty-four years after the famine, not till the marble Cathedral of St. Patrick had risen on Fifth Avenue, was there any Catholic organisation to meet and counsel the innocent women and girls who stepped upon strange cosmopolitan quays infested with every species of human shark and reptile. The Irish had received no education in Ireland. Generations must pass before they could get much benefit from education in America. Never was such an unshepherded flock, never was such an unchieftained and leaderless race, cast upon a foreign shore, unfriended and resourceless.” *

* O'Donnell, Vol. II., p. 395

The memory of all this has dwelt with the Irish Americans, and still dwells with them : and what wonder ? It is the root of a fierce ineradicable hatred of England, not confined to the poor, to the scantily educated among them, but equally strong among the rich and prosperous. The fruits of that root of bitterness have been disastrous enough for our country, but they are by no means all gathered in as yet. Mr. O'Donnell tells us of an American Fenian, "a man of the highest culture and reputation," who expressed himself thus : "See here, Mr. O'Donnell, if I could see England go down alive into Vesuvius or Hecla, I should say it was quite right ; and the day that Ireland is reconciled on any terms with England, she will be no longer Ireland for me."* It is said that at the present day over 40,000,000 inhabitants of the United States have a share of Irish blood from one parent or another. And it is certain that "large numbers of American Irishmen, usually men of high education and distinguished position, are bent on combining the advance of American power with the vindication and restoration of Irish independence. . . . A most serious gravity and importance can be

* O'Donnell, Vol. II., p. 53.

attributed to this latest development of the Irish idea beyond the Atlantic.” *

Mr. O'Donnell traces to the Black Famine, or rather, to the horrible policy of the British Government during the Black Famine, the several ultra-national or anti-English movements in Ireland from the middle of the nineteenth century down to the present time. I must refer to his volumes those of my readers who desire to follow his argument in detail. Certainly it was at the close of the great Civil War that the Irish in the United States awoke to a sense of power and a hope of vengeance. Fenianism was unquestionably of American origin. It was the long-delayed reply of the Irish exiles to that English rule, which with its quarter-acre clause, had driven their parents and kindred on the roadside. And from that day to this, American dollars have been pouring in—though of late with diminished volume—to support the Home Rule movement. Meanwhile, the dealings of England with Ireland have been marked by ignorance and ineptitude for which it would be difficult to find a parallel; nay, worse still, they manifest that “inveterate sentiment of hostility flavoured with contempt,” to quote the

* O'Donnell, Vol. II., p. 405.

words of Mr. Gladstone, which "has from time immemorial, formed the basis of English tradition."* English statesmen do not seem to have realised that throughout the nineteenth century the national feeling among the Catholic Irish was steadily growing—that "sentiment of nationality" which, as Mr. Lecky observes, "is at the root of Irish discontent." Nationality! It is an element for which the English rulers of Ireland had no eyes: they ignored it as completely as it was ignored by the Congress of Vienna. They thought that what they called "concessions to Hibernian ideas," a "conciliatory policy" and the like, should allay what they designated by the mild term of "Irish discontent." The average member of Parliament thinks so still. He is surprised that we have not been able to "kill Home Rule by kindness," that our concessions and our conciliatory policy have but served to give the movement a greater impetus.

Now let us turn from these purblind politicians to two men of genius, belonging to very different schools of thought, but both signally gifted with that power of vision which is not the least of the attributes of genius. A curious and striking

* Morley's *Life of Gladstone*, Vol. III., p. 291.

episode in the career of Cardinal Newman was his seven years' sojourn in Ireland, for the abortive task, undertaken at the bidding of authority, of founding a Catholic University in impossible conditions. As I know from many conversations with him, nothing struck him more forcibly, or distressed him more poignantly, during those years, than the evidence which he everywhere found of "the hostility, deep-rooted, apparently ineradicable" (those were the words he used) of Celtic Ireland towards England. The following passage from one of his *Historical Sketches* may fitly be quoted here—the more so as I believe that it is not so generally known as it ought to be. Every word of it is like a groan wrung from his lacerated heart :—

[An English visitor to Ireland], if he happens to be a Catholic, has, in consequence, a trial to sustain of his own, of which the Continental tourist has no experience from Austrian police, or Russian douane, or Turkish quarantine. He has turned his eyes to a country bound to him by the ties of a common faith; and when he lands at Cork or Kingstown, he breathes more freely from the thought that he has left a Protestant people behind him, and is among his co-religionists. He has but this one imagination before his mind, that he is in the midst of those who will not despise him for his faith's sake, who name the same sacred names, and utter the same prayers, and use the same devotions, as he does himself; whose churches are the houses of his God, and whose

numerous clergy are the physicians of his soul. He penetrates into the heart of the country ; and he recognises an innocence in the young face, and a piety and patience in the aged voice, which strikingly and sadly contrast with the habits of his own rural population. Scattered over these masses of peasantry, and peasants themselves, he hears of a number of lay persons who have dedicated themselves to a religious celibate, and who, by their superior knowledge as well as sanctity, are the natural and ready guides of their humble brethren. He finds the population as munificent as it is pious, and doing greater works for God out of their poverty, than the rich and noble elsewhere accomplish in their abundance. He finds them characterised by a love of kindred so tender and faithful as to lead them, on their compulsory expatriation, to send back from their first earnings in another hemisphere incredible sums, with the purpose of bringing over to it those dear ones whom they have left in the old country. And he finds himself received with that warmth of hospitality which ever has been Ireland's boast ; and, as far as he is personally concerned, his blood is forgotten in his baptism. How shall he not, under such circumstances, exult in his new friends, and feel words deficient to express both his deep reverence for their virtues, and his strong sympathy in their heavy trials ? But alas, feelings which are so just and so natural in themselves, which are so congruous in the breast of Frenchman or Italian, are impertinent in him. He does not at first recollect, as he ought to recollect, that he comes among the Irish people as the representative of persons, and actions, and catastrophes, which it is not pleasant to any one to think about ; that he is responsible for the deeds of his forefathers, and of his contemporary Parliaments and Executive ; that he is one of a strong, unscrupulous, tyrannous race standing upon the soil of the injured. He does not bear in mind that it is as easy to forget injuring, as it is difficult to forget being injured. He does not admit, even in his imagination, the judgment and the sentence which the past

history of Erin sternly pronounces upon him. He has to be recalled to himself, and to be taught by what he hears around him, that an Englishman has no right to open his heart, and indulge his honest affection towards the Irish race, as if nothing had happened between him and them. The voices, so full of blessings for their Maker and their own kindred, adopt a very different strain and cadence when the name of England is mentioned ; and, even when he is most warmly and generously received by those whom he falls in with, he will be repudiated by those who are at a distance. Natural amiableness, religious principle, education, reading, knowledge of the world and the charities of civilisation, repress or eradicate these bitter feelings in the class in which he finds his friends ; but as to the population, one sentiment of hatred against the oppressor “manet alta mente repositum.” The wrongs which England has inflicted are faithfully remembered ; her services are viewed with incredulity or resentment ; her name and fellowship are abominated ; the news of her prosperity heard with disgust ; the anticipation of her possible reverses nursed and cherished as the best of consolations. The success of France and Russia over her armies, of Yankee or Hindoo, is fervently desired, as the first instalment of a debt accumulated through seven centuries ; and that even though those armies are in so large a proportion recruited from the Irish soil. If he ventures at least to ask for prayers for England, he receives one answer—a prayer that she may receive her due. It is as if the air rang with the old Jewish words, “O daughter of Babylon, blessed shall he be who shall repay thee as thou hast paid to us !”*

Next, let us consider the testimony of another and very dissimilar man of genius, Matthew Arnold, who gave much thought to Ireland and

* *Historical Sketches*, Vol. III., p. 257.

her grievances. Thus does he write in his *Mixed Essays* :—

Our nation is not deficient in self-esteem, and certainly there is much in our achievements and prospects to give us satisfaction. But even to the most self-satisfied Englishman, Ireland must be an occasion, one would think, from time to time, of mortifying thoughts. We may be conscious of nothing but the best intentions towards Ireland, the justest dealings with her. But how little she seems to appreciate them ! We may talk with the *Daily Telegraph*, of our “great and genial policy of conciliation” towards Ireland ; we may say with Mr. Lowe, that by their Irish policy in 1868 the Liberal Ministry, of whom he was one, “resolved to knit the hearts of the Empire into one harmonious concord, and knitted they were accordingly.” Only, unfortunately, the Irish themselves do not see the matter as we do. All that by our genial policy we seem to have succeeded in inspiring in the Irish themselves is an aversion to us so violent, that for England to incline one way is a sufficient reason to make Ireland to incline another ; and the obstruction offered by the Irish members in Parliament is really an expression, above all, of this uncontrollable antipathy. . . . For my part, I have never affected to be either surprised or indignant at the antipathy of the Irish to us. What they have had to suffer from us in past times, all the world knows. And now, when we profess to practice “a great and genial policy of conciliation” towards them, they are really governed by us in deference to the opinion and sentiment of the British middle class, and of the strongest part of this class, the Puritan community. . . . Our Puritan middle class presents a defective type of religion, a narrow range of intellect and knowledge, a stunted sense of beauty, a low standard of manners. And yet it is in deference to the opinion and sentiment of such a class that we shape our

policy towards Ireland. And we wonder at Ireland's antipathy to us ! " *

" If Ireland were only loyal," sadly ingeminated Lord Rosebery, in a notable speech. But why should Ireland be loyal? The contention of the Celtic people of Ireland is that they owe no moral allegiance to a domination which began in invasion and conquest, and which, for seven centuries, has been equally cruel and callous.

IV

As a rule, there are no speculations more melancholy than those which deal with what might have been ; and the worst of it is that they are, for the most part, fruitless. Sometimes, indeed, they have their uses—uses, it may be, of terror and amazement. The enactments wrung from a reluctant Parliament during the nineteenth century for the conciliation of Ireland have been ineffectual. They have estranged the Protestant Irish without winning the Catholic. Might it not have been otherwise? If, after the Union was brought about, a series of really " healing measures," to use Burke's

* *Mixed Essays*, p. 98.

phrase, had been skilfully devised and speedily carried out, would not the relations of England and Ireland be now very different? John Stuart Mill thought so.

That this desperate form of disaffection (he writes), which does not demand to be better governed, which asks us for no benefit, no redress of grievances, not even any reparation for injuries, but simply to take ourselves off and rid the country of our presence—that this revolt of mere nationality has been so long in coming, proves that it might have been prevented from coming at all. More than a generation has elapsed since we renounced the desire to govern Ireland for the English; if at that epoch we had begun to know how to govern her for herself, the two nations would by this time have been one. . . . What seems to us the causelessness of the Irish repugnance to our rule, is the proof that we have almost let pass the last opportunity we are ever likely to have of setting it right. We have allowed what once was indignation against particular wrongs, to harden into a passionate determination to be no longer ruled, on any terms, by those to whom they ascribe all their evils. Rebellions are never really unconquerable until they have become rebellions for an idea. Revolt against practical ill-usage may be quelled by concessions; but wait till all practical grievances have merged in the demand for independence, and there is no knowing that any concession, short of independence, will appease the quarrel.*

This seems to me as true as it is sad. When we turn to the scroll, written, within and without, with lamentations and mourning and woe, which

* *England and Ireland*, pp. 7 and 8.

forms the history of Ireland, a pale phantom ever rises to upbraid us :

Look in my face : my name is—Might have been :
I am also called—Too late : No more : Farewell.

Yes : " things are what they are, and their consequences will be what they will be. Why, then, should we desire to be deceived ? " Mr. John Redmond, in the document from which I have already quoted, tells us : " The Irish members have one advantage over English parties : they know what they want. The present Government is in a state of bewilderment in Ireland. His Majesty's Opposition is in a state of bewilderment everywhere. Ireland has faith neither in Government nor in Opposition. She is watching the political situation in England with keenness, and she will not fail, when the opportunity offers, to turn it to good account." These words are as true now as they were when they were written ; and they are worthy of being pondered. The Nationalists know what they want. Will they get it ? What is to prevent them ? From the point of view of *party*, their position is often strong, nay, commanding ; occasions arise when they are able to say to the faction in power—to quote Mr. Gladstone's well-remembered words—" If you don't do this,

and if you don't do that, we will turn you out to-morrow." * But let us look at the matter from the point of view of *principle*—and principles, we should remember, are the strongest things in the world, binding with links of iron the politicians who, intent on the party game, try to play fast and loose with them. The political doctrine in possession of the public mind is the doctrine of government by counting heads, expressed succinctly in the familiar formula, "One man, one vote." This doctrine seems absurd to those who hold—as I do—that the true basis of the State is not numerical but dynamical ; that a representative government should represent *all* the elements of national life, *all* the living forces of society, in *due* proportion (I beg the reader's attention to the words which I have put in italics), of which forces, number is neither

* Lord Morley of Blackburn calls it "a charitable suggestion" that Mr. Gladstone "picked up Home Rule after the election had placed it in the power of the Irish either to put him into office or to keep him out of office" (*Life*, Vol. III., p. 235) ; and shows, by documentary evidence, that the question was in his thoughts for some months before the General Election of 1885. Next year he came into office, but, as Lord Morley owns, his Government "could subsist only by Irish support" (*Ibid.*, p. 295). His adoption of Home Rule brought him that support. Mr. Lowell's epigram on him may be recalled in this connection :—

" His greatness not so much in genius lies
As in adroitness, when occasions rise,
Lifelong convictions to extemporise."

the first nor the most considerable. I know that in thus writing I shall be branded by many, probably by most people, as an obscurantist or a reactionary, whatever may be the precise meaning of those words. I console myself with the reflection that, however small the minority in which I am, it is a minority which includes such thinkers as Edmund Burke, John Stuart Mill, and Sir Henry Maine among ourselves ; as Hegel, Trendelenburg, and Ranke among the Germans ; as Taine, Fustel de Coulanges, and Renan among the French. However, certain it is that the question of Home Rule will be popularly judged not by my doctrine but by that other which Mill has aptly called "False Democracy" *: the doctrine embodied in the shibboleth just now quoted of "One man, one vote," and in the other kindred sophism of "Every man to count for one, and no man for more than one." It seems equally certain that the majority of Irishmen desire Home Rule—that is, as we have seen, an Irish legislature and an Irish executive, to begin with, as a stepping-stone

* See *Considerations on Representative Government*, p. 146. Of course in countries where, as in Switzerland, something very like equality of fact prevails among the electors, a democracy resting on equal and universal suffrage may be not a wholly false, but an approximately true democracy. I may be permitted, with regard to this matter, to refer to my *First Principles in Politics*, c. vi.

to such further development of Irish autonomy as may prove possible. Can we, on the principle of "False Democracy"—the "One man, one vote" principle—justify our ruling Ireland, if rule it can be called, from Westminster, in defiance of the wishes of this majority of her adult males, expressed by three-fourths of their Parliamentary representatives?

But the minority? it may be asked. Well, no doubt it is true that the minority—consisting, in Mr. Bright's phrase, of "all that is loyal in Ireland"—will not like it. How should a minority, so long accustomed to the position of top dog, like to see that elevation occupied by an adversary with such a score to pay off? It was sympathy with this minority, zealous for the Protestantism of the Protestant religion, and rich in all the qualities of "the great middle class," whose merits Mr. Bright was so fond of extolling, which chiefly caused that statesman's opposition to Mr. Gladstone's first Home Rule Bill. "I cannot consent," he wrote to Mr. Gladstone, "to a measure which is so offensive to the whole Protestant population of Ireland and to the whole sentiment of the province of Ulster, so far as its loyal and Protestant people are concerned: I

cannot consent to exclude them from the protection of the Imperial Parliament.” * So, as we all know, when the first Home Rule Bill was introduced into Parliament, the General Assembly of the Presbyterian Church in Ireland, and the General Synod of the Protestant Episcopal Church, protested strongly against it, and the Orangemen drew up a Solemn League and Covenant to resist it. I have no information as to what has become of the Orange Solemn League and Covenant ; but there is abundant evidence that the spirit which inspired its founders is still strong. Thus, to give only one instance, which may suffice, at a gathering of which I spoke in a former page, Mr. Butcher proposed, on behalf of the Unionist Associations of Ireland, the following Resolution, which was carried unanimously : “ This Conference desires to express its determined and unabated hostility to any legislative proposals which may tend to the eventual granting of Home Rule, or which are calculated to weaken the Imperial tie between Great Britain and Ireland. It does so, with the more emphasis, in view of the fact that the leader of the Nationalist Party in Ireland has recently declared that, however different may be their

* Morley's *Life of Gladstone*, Vol. III., p. 327.

methods, the principles of the party are the same as those of the Fenian rebels of 1867."

V

One wonders whether Mr. Butcher, and the Unionist Associations which have found in him so able a mouthpiece, suppose that their Resolutions will have even the smallest practical effect. Is Home Rule, then, "the consummation coming past escape"? I may be asked. I do not know. I am no prophet. But it is a significant sign of the times that one finds some* cultivated Irish Protestants—perhaps it would be better to say non-Catholics—preparing, if not exactly to acquiesce in it, yet at all events to make the best of it. In conversation with one such the other day, I ventured to inquire, "Now, frankly, would you and your friends really like your country to be under the control of gentlemen such as those who compose the present Nationalist Parliamentary

* Some: but I have before me a letter from one—a man of great cultivation and of high position and by no means a fanatic—who writes: "We are more than a third of the population, we control most of the industries of the country, and we will face civil war rather than submit to an Irish Parliament. Are you going to crush us by the British Army?" It is a pregnant question.

Party ? ” He replied, “ Well, no ; but I think that under Home Rule the best men would come to the front.” I rejoined, “ What warrant have you for thinking so ? It is certain that under Home Rule you would have equal and universal suffrage : and, where that prevails, do the best men come to the front ? Are M. Briand and M. Viviani, who are quite to the front in France, types of the best men to be found in that country ? Are the gentlemen who have come to the front in the Liberal Party, and who dominate Mr. Asquith and his Cabinet, to be reckoned among the best men of England ? Do the best men come to the front in the United States of America, or is it not as true now as when John Stuart Mill wrote the words, that ‘ the first minds of that country are as effectually shut out from the national representation as if they were under a formal disqualification ’ ? * Look at your own country. The Irish Local Government Act has been regarded—it seems to me rightly—as a sort of preliminary to Home Rule, or even as an instalment of it : certainly it has broken down completely the influence of the landlords, and has put all power in the boroughs and counties into the hands of the numerical majority.

* *Considerations on Representative Government*, p. 157.

Has the result been to bring the best men to the front ? ” My friend did not reply to these interrogatories but observed : “ Anyhow, England can hardly leave Ireland to itself, if for no other reason—and there are plenty of other reasons—because the Imperial Parliament has invested so many millions in creating a peasant proprietary here.” To that I had no answer ready—nor have I as yet succeeded in finding one.

These are not cheerful thoughts with which to confront the second decade of this new century—a century which seems big with “ storms of sad confusion.” Our fathers have sown the wind, we shall reap the whirlwind : “ *Delicta majorum immeritus lues.*” It seems hard upon us. But it is the law which rules in history. For history is under law—“ the moral laws of nature and of nations.” A people is not a mere fortuitous congeries of atomistic individuals : it is an ethical entity, governed by retributive justice, subject to the punishment which is law’s penal sanction, which is “ the other half of crime.” The history of the world is the judgment of the world—“ *Die Weltgeschichte ist das Weltgericht.*” It would have no rational meaning for us if this were not true : it would be “ a tale of sound and fury

signifying nothing.” The first fact about the individual man is his concept of duty: “Thou Oughtest; it is thy supreme good to follow this Categorical Imperative, thy supreme evil to disobey it.” And that is the first fact, too, about the aggregation of men which we call a people. In loyalty to truth, to right, to justice, is the highest law of collective human life. It is fenced about with terrible penalties which are the natural sequence of its violation. And the longer the penalty is deferred, the worse for the people which has to pay it; for it accumulates at compound interest.

CHAPTER V

THE INDIAN QUESTION

I

I AM old enough to remember the great expectations which were aroused when the Crown assumed the direct rule of India. Many people, perhaps most, imagined that a sort of *Saturnia regna* was about to begin for Hindustan. One very considerable thinker, singularly well qualified to judge of this matter, did not share those anticipations. Mr. Mill doubted strongly whether a Government carried on, as it is in this country, by a Parliamentary system, was likely to grapple satisfactorily with the complex problems of policy and administration in a vast Oriental Dependency.* Mill's political forecasts were generally right. To put India under Parliamentary Government—"the despotism of those who neither hear

* See the Chapter on "The Government of Dependencies" in his *Representative Government*.

nor see nor know anything about their subjects ” —appeared to him an egregious mistake, fraught with the utmost danger to that country and to this. And now, after the lapse of so many decades, is it possible to say that he was wrong ?

Consider the House of Commons—an assembly of nearly seven hundred gentlemen chosen on the lines of party politics : elected, for the most part, through the influence of the shibboleths, catch-words and commonplaces—largely false—which influence so strongly “ the Yea and No of general ignorance.” How many of these legislators possess the remotest acquaintance with the history, the institutions, the modes of thought of the peoples, belonging to so many different races, speaking so many different languages, professing so many different religions, who inhabit the vast tract which we call India ? And yet of the destiny of those peoples they are, in the event, the supreme arbiters. However, thanks to the kindly dispositions of Fate, they have, for the most part, let Hindustan alone. Their energies have been absorbed in the party game, and Indian affairs have, by a sort of tacit understanding, been left outside its sphere.

But recently a small section of the House of

Commons has displayed regarding those affairs a zeal which, assuredly, has seldom been according to knowledge. What is called "the unrest in India," has appealed to the fomenters of unrest at home. Some of the leaders of what is denominated the Labour Party have paid flying visits to that country, and have returned, after fraternising with the leaders of sedition there, to sound their own trumpets in a particularly brazen manner. Of Mr. Keir Hardie's exploits I need not speak. But I am tempted to say a word about Mr. J. R. Macdonald, who, after a tour of six weeks in India, declared that "whether it was in the great industrial centres, like Bombay, or in little out-of-the-way villages, the people took a lively interest in the progress of the Labour Party and appeared to regard Labour Members of Parliament who went among them as old and tried friends." Now, I am far from impugning the veracity of Mr. Macdonald. But I am perfectly certain—as every one will be who has even the smallest knowledge of India—that when he assured his hearers of the interest excited by the British Labour Party "in little out-of-the-way villages" in that country, he said the thing that is not. I understand that he is as ignorant of the Indian vernacular spoken

in the little out-of-the-way villages which he visited as their inhabitants are of the English tongue in which his oratory was clothed. Doubtless he was misled by the astute native gentlemen who ran him—for ulterior purposes of their own.

Mr. Macdonald ended his oration by expressing his conviction that “there was still in this country a very important section of political opinion that was determined to give justice and fair play to the people of India.” That he is well warranted in this conviction, I do not for one moment doubt. The question is, “What do justice and fair play for the people of India” demand? I suppose Mr. Macdonald would reply—it is the common catchword of these extemporised sages—“India for the Indians.” Mr. Macdonald reminds me of a definition of a Radical orator which I came upon not long ago, in one of Donnay’s plays: “Un Monsieur qui dit des choses vagues avec la dernière violence.” I agree with him that “India for the Indians” is a good phrase, and I have no objection to accept it. But I am led to inquire, What Indians? The word—which, by the way, is English, and has no Hindu equivalent—is in the highest degree vague. India is a vast tract of country—we may almost call it a continent. It

is inhabited by well-nigh three hundred millions of people, speaking five hundred and thirty-nine different languages or dialects. Of these nearly sixty millions are Mohammedans, on the whole a homogeneous community. The rest comprises various nationalities very widely differing in race, in religion, in customs, in traditions, in manners, in aspirations. They are united by no national feeling—how should such a feeling exist between Pathans and Tamulians, Sikhs and Burmese, Rajputs and Mahrattas? They care for nothing, as a rule, outside of their own family or caste. The great majority of them are Pagans—I use the word in no offensive sense, and for want of a better—of one kind or another. Some three millions—that appears to be the outside estimate—are Christians of sorts. And there are not quite a hundred thousand Parsis. To talk of the inhabitants of India as a nation, is the greatest of absurdities. The various classes of the population have nothing in common, except, as in the case of Hindus and Mohammedans, hatred against one another. This is of course the natural, the inevitable, outcome of the history of India. The present of that country, as of all countries, is made and moulded of things past.

II

That India should be ruled in the interest of these numerous and jarring elements of its population, no rational man would deny. If the shibboleth, "India for the Indians," be taken in this sense, who could reasonably refuse assent to it? But that is by no means the sense which it bears for those who have invented it. There is an admirable bit in Sardou's excellent comedy *Rabagas*. Chaffion inquires: "Qu'est-ce que le peuple veut après tout? Il ne veut que des garanties, ce pauvre peuple." "Quelles garanties?" Rabagas demands; and Camerlin replies: "Quelque chose pour nous." So, if we come to examine the matter, the cry, "India for the Indians," really means India—that is, place and power and pelf in India—for a certain small section of the community who call themselves "educated." What warrant they have for so calling themselves we will inquire later on.

The word Babu is an honorific title which Bengali Indians of a certain standing have taken to themselves: and it has now come to denominate a class which has originated and directed the present unrest in India. "The Bengalis," Sir

John Rees observes, "are not, in the English sense of the word, a nation, and such solidarity or nationality as they now possess is mainly the result of British education and British Government.* The Bengali Babus are the typical representatives of the landlord class—of the Zemindars, who owe their position to Lord Cornwallis's most ill-judged Permanent Settlement : and whose tenants have to look to the British Government for protection against their excesses. They are quick-witted, ambitious, vain, and unscrupulous. A great deal of the vernacular Press is in their hands—not only in Bengal, but in the Punjaub and in other parts of India. Perhaps the most active fomenters of the agitation and unrest are Indian lawyers with little or no practice. They profess to desire a united India—or, as Babu Chandra Pal puts it, 'a Republic with an Upper Chamber of feudatory Chiefs and a Lower Chamber of the common people'—than which," Sir John Rees well remarks, "no greater nonsense could well have been con-

* *The Real India*, by Sir J. D. Rees, K.C.I.E., C.V.O., M.P., p. 203. Sir John Rees, with whom I am not personally acquainted, has rendered a great public service by the publication of this most valuable work. I may be permitted to express my satisfaction that, writing as he does, with much more recent and much longer experience of India than myself, he confirms—I believe in every particular—the views which I have expressed in my volume, *India and its Problems*.

ceived." * The *Bande Mataram*, of which this Babu was part editor and part proprietor, states : " Our British friends should be distinctly told that their point of view is not ours. They desire to make the government of India popular without ceasing in any sense to be essentially British. We desire to make it autonomous and absolutely free of British control. We must go to the hamlets." " And," Sir John Rees observes, by way of comment upon this pronouncement, " they have gone to the hamlets, to debauch the loyalty of the peasants, and they are endeavouring, with as small prospect of success, to capture the Congress caucus, the chief obstacle being the opposition of the moderate men of means, who supply the sinews of war, and have no idea of generally running amok and losing all that they have in the resulting disorder. Then the peasants, and the masses generally, have no sympathy and no concern with the movement, nor have the old-fashioned Hindus, nor, of course, the Mohammedans, who have publicly recorded their disagreement whenever opportunity has offered. They have, indeed, recently started a Congress of their own, called the All India Moslem League, as a protest

* *The Real India*, p. 195.

against the assumption by the Hindu Congress of the epithets "Indian" and "National." Among the objects of this League are the promotion of loyalty to England and of an attitude of readiness to fight for the British Government." *

Such, then, are the Babus, the originators and the fomenters of the present agitation in India. They are the most unpopular class in Hindustan, but they are the most powerful, and their great desire is further to increase their power : to shake off, in fact, all restrictions upon it. In Sir John Rees' well-weighed words, " Brahmins, and other high castes in sympathy with them, who even now have an immense and preponderating influence in the government of the country, would fain be rid of the impartial supervision of British officers, who refuse to let them plant their heels upon the necks of the lower castes and classes." † And, as this extremely competent authority observes in another page : " The peculiar irony of the situation is that the Bengali Press, and a few travelled and English-educated Bengalis, who no longer represent the feelings of the Indian people, succeed in persuading the electorate in England, and their

* *The Real India*, p. 221.

† *Ibid.*, p. 48.

representatives in a democratic Parliament, to take the side of the classes against the masses, of the higher castes against the low castes, of a small denationalised group against the uneducated and unsympathising multitudes . . . whose manners, customs, feelings, religions, social prejudices, and prepossessions they have abandoned. The Indian masses care as little for these orators and agitators as they do for representative government, of which they have never heard, but for which, by monumental misrepresentations on the part of the Congress, they are said to be raising vain cries to unanswering heaven." * We should always remember that of 226,000,000 persons of all classes and creeds in British India, only a little more than 625,000 are literates in English and only about 8,500,000 are literates in the vernaculars. Of the 625,000 literates in English, some 100,000, it is calculated, form the Babu class. Exact figures are, of course, impossible here. A hundred thousand may be an under-estimate. Make it two hundred thousand if you will : and consider how impudent is their claim to speak as the representatives of India ! To quote Sir John Rees once more : " They represent their own caste, the most exclusive

* *The Real India*, p. 206.

and aristocratic in the world, the pretensions of which they have persuaded Socialists and democrats in England to champion, a proof that the Brahmin's right hand has not lost its cunning." * And here it might be well to note how "lookers-on" who, according to the proverb, see most of the game, regard the Babu. The testimony of one may suffice. Thus does an extremely competent French gentleman, M. Maindron, express himself in his most interesting work on the Carnatic :

A Babu ! What friend of India can hear the name without trembling with anger ? . . . The Babus are a *canaille* which the feebleness of a humanitarian administration forms in the schools of the great centres of India. Pretended anarchists (*anarchistes de façade*) and shameful traditionalists, repudiating the civilisation of their own country for the nonce, in the hope of rendering it permanent after the cataclysms which they invoke, these Babus are the partisans of "India for the Indians." They have made use of British teaching to learn the means of ruining their educators. And pending the expulsion of the English, they live on the administration of England. They copy the English clubs, they ape English customs. They become writers, journalists, and clerks,† for nothing manly in the Englishman attracts them. They dread English sports, from which their effeminacy and cowardice keep them aloof. Like Panurge, whom they resemble in more than one point, they have a natural fear of hard knocks. Their weapon is the pen : a weapon

* *The Real India*, p. 191.

† "*Ronds-de-cuir*" is M. Maindron's contemptuous expression.

poisoned by delation, duplicity, calumny, and intrigue." ■

But if we accept, as I believe we may, in the main, this as a substantially true indictment of the leaders of the Indian agitation, it by no means follows that the unrest in India is not a grave matter. The greatest upheavals in the world's history have been the work of minorities, and of minorities which at first seemed contemptible; for example, the overthrow of the Monarchy in this country by the Puritans, and in France by the *philosophes*. No one who knows anything of India can doubt the existence there of a strong undercurrent of dislike to the British Raj extending, in some cases, even to the poor ryots who find in it their best protection. This dislike is, for the most part, unreasoned: but that makes it not the less, but the more dangerous. What is its real cause?

III

I believe the answer to that question is simple. It is that for well-nigh a century we have

* *Dans l'Inde du Sud*, Vol. II., p. 236.

persistently attempted to Anglicise India. There are those who describe this process as conferring upon that country the benefits of Western civilisation. Lord Curzon, it would seem, is one of them, and in an address at the Edinburgh Philosophical Institute he devoted to this theme much eloquence. He claimed that we have bestowed "moral and intellectual benefits on the Indian community," "that we have educated their character and emancipated their intelligence"; that "all that is best in their thought and writings," and especially "the rising standards of morality," "have been fostered by the education which, with perhaps imperfect discrimination, we have placed at their disposal"; and that "the English language has proved the solvent of venerable prejudices." Now, with all respect for Lord Curzon, I venture to think that this proud boasting exhibits a very incomplete and a very misleading picture of the results of the Anglicising process. I believe that what is called "the education" which, not with imperfect discrimination, but with no discrimination at all, we have bestowed upon India, is an almost unmixed evil; and that, as we shall see presently, is the opinion of Indians well qualified to judge. It was in the early decades of the

last century that the agitation in favour of it was first raised by missionaries and then caught up by philanthropists. What happened has been succinctly described by Mr. Law, to whose very valuable work * I would call special attention.

“The missionary societies,” he writes, “tacked on to Christianity a cheap English education. Hundreds nibbled at the bait, but did not swallow the hook. And then the Government stepped in, and gave them a cheap English education without religious instruction or moral training. The *Imperial Gazetteer of India* (new edition) tells us that when the English went to India all education given there was connected with the religions of the country. The Christian † missionaries, often at great cost to themselves—and others—and with the best intentions, tried to make converts by means of a Western education given with, or without, instruction in the teachings of Jesus Christ. This was the thin edge of the wedge; and the Government sent the wedge in deeper by offering a cheap English education without any religion at all.” ‡

It is not necessary to dwell here upon the conflict of opinion between the Anglicists and the Orientalists. The Anglicists, who had at their

* *Glimpses of Hidden India*, by John Law. This little book of, I must confess, no great literary merit, has a note of straightforwardness and sincerity about it which gives it a peculiar claim on us. The author evidently went to India with open eyes desiring the truth; and he has honestly set down, to the best of his ability, the result of his inquiries and observations. He was especially fortunate in making the acquaintance of intelligent Parsis, who, of all the denizens of India, are perhaps in the best position for forming a correct judgment of the affairs of that country.

† He means the Protestant missionaries.

‡ *Ibid.*, p. 244.

back the Protestant Missionaries and the philanthropists, found a powerful ally in Lord—then Mr.—Macaulay. He knew nothing of the philosophy, poetry, religions and civilisation of Hindustan, and his contempt for these things was as great as his ignorance. His brilliant rhetoric easily triumphed, and on March 7th, 1835, the Governor-General (Lord William Bentinck) decided that “the great object of the British Government ought to be the promotion of European literature and science among the natives of India.” The result was what was called “the higher education” in India—a purely secular system of instruction in English. During the better part of a century which has since elapsed, we have been endeavouring—in Mill’s graphic words—“to force English ideas down the throats of the natives.” M. Maindron has profoundly remarked that “it is a mania of Western people to refer everything to the categories of their own understanding”: that “we are incapable of comprehending the mentality of the Hindus.”* The chief result of the English education—so-called—which we have given to the natives of India has certainly been to “emancipate their intelligence,”

* *Dans l'Inde du Sud*, Vol. II., p. 9.

in a different sense from that in which Lord Curzon used the words. The young Indian who has passed through the Government Colleges, leaves them, as a rule, utterly sceptical and discontented, void of settled beliefs, religious or ethical. The net result of his years of study has really been to denationalise him. "That mass (*bloc*) of facts, sentiments, and ideas which constitute Western civilisation, forms (as M. Filon quaintly expresses it) a second, and quite artificial soul, altogether external, which, superposed on the first, hides and envelopes it. No fusion is possible. The notions which have been acquired are deeply impregnated with Christianity. Monotheism and monogamy, liberty, justice, equality between classes, between the sexes, between man and man, love of woman, respect for maternity, adoration of children, every line, every word of the authors he has read, conceals (*recèle*) and presupposes all that. Then he returns home, he enters within himself. All that surrounds him—his true Ego—gives the lie to what he has been taught, to what he has tried to assimilate." * Unquestionably the English tongue proves to be for the Hindu youth what Lord Curzon euphemistically calls

* *Revue des Deux Mondes*, Vol. 156, p. 597.

“the solvent of venerable prejudices.” It strips him of his hereditary beliefs and rules of conduct, and gives him nothing in their place but a smattering of an alien language and an alien literature. The authors he chiefly reads are those who have most influenced his preceptors, who have formed their ideals in this new time. Mr. Law writes : “Not seldom have I been told by Indians, ‘The present Secretary of State for India has done more by his writings to bring about the present state of affairs in India than any one else.’” * My own information would not lead me to this conclusion. I have no wish to underrate the influence upon young Indians of Lord Morley’s fascinating works. I know that it has been, and is, very considerable. But the teacher specially dear to the young Hindu is Herbert Spencer,† whose books afford a much more powerful “solvent”—to keep to Lord Curzon’s word—of the moral ideas, convictions, rules, and practices in which he has been reared, leading him to regard them as “venerable prejudices,” and indoctrinating him with “a hard-and-fast materialism.” ‡

* *Glimpses of Hidden India*, p. 141.

† It appears that this is so in China also. See the *Quarterly Review* of October, 1907, p. 376.

‡ Mr. Law writes : “An intelligent Parsi explained to me that the

What wonder? For Mr. Spencer's speculations are fatal to ethics, in any intelligible sense of the word. He dethrones conscience—their creative principle—and enthrones in its place cupidity. He makes an end of the Categorical Imperative of duty: in what he holds out as his “fitter regulative system,” obligation has no place, not even the provisional and transitory place which he attempts to provide for it. He denies the august doctrine, common to the great Eastern and Western philosophers, of the unconditioned authority of the moral law ruling throughout the universe, and substitutes for it a spurious probabilism compared with which the excesses of the casuists damned by Pascal to everlasting fame, are sane and wholesome. The young Hindu learns from Mr. Spencer that the sole recommendation of right action is derived from the calculation that it will result in agreeable feeling, whether for the individual or the race; that, indeed, it is only in virtue of this calculation, that right is right.* And the young Hindu hears him gladly. Then other teachers

last generation sat at the feet of Spencer, Huxley, Tyndal, and Morley, and the result was a hard-and-fast materialism,” p. 135.

* “Conduct is good or bad according as its total effects are pleasurable or painful.”—*Data of Ethics*, § 10.

come to sow their seed in the fallow ground thus prepared for it : the prophets of what Mill called " False Democracy," with their doctrine that all men are born and continue equal in rights and other dogmas of the great Anarch, to whose inspiration is chiefly due the famous " Declaration of 1789 "—that tissue of shibboleths and sophisms which was the manifesto of the French Revolution, and is still the creed of Jacobinism. He is not slow to apply this teaching. " If I am equal in rights to the Indian civilian, why should he hold the highly-paid offices while I am unable even to gain a Government clerkship ? Moreover, *he* is an intruder on Indian soil. My discontent is patriotism." And this " patriotism," which fills his perfervid brain, finds expression, among other ways, in bombs. It may be well to hear on this subject the views of an Indian journal, *The Antiseptic*, edited by a Hindu physician of repute :

The official mind sums up the causes of anarchism in India in one word " UNREST." And " UNREST," according to the official, is synonymous with SEDITION. That may be the official way of looking at anarchism. It certainly is not the scientific way. The growth of anarchism on this continent of Asia is a comparatively recent growth. We are inclined to think that the modern anarchist is the product of present-day civilisation. One

striking feature of modern civilised life is the rapid increase in the number of insane people. And in this essentially neuropathic age, anarchism has shown itself as one variety of mental derangement. As a rule, anarchists are men of acute sensibility and disordered imagination. They have been influenced to an enormous degree by the sophisms spread by the writers on property, religion, government, and capital. One of the most noticeable features of the anarchist's mind is its general exaltation. The anarchist considers that the avenging of offences and the preventing of iniquitous acts are his special province, and he acts on the insane idea that the citizen is entitled to substitute himself for the State, as the dispenser of justice and the avenger of the oppressed. But it is a mistake to suppose that his insane actions have any foundation in altruistic ideas. The dominant desires in the anarchist mind are the longing for absolute equality and the thirst for material satisfaction. The desire for absolute equality has been noticed in anarchists of all countries. And the Bengal anarchists appear to be no exception to the rule. Political equality seems to be their object too. But with them political equality is inextricably mixed up with racial equality.*

IV

So much as to the practical issue of what is called English "education" in India. It is this "education" which has formed the Bengali Babus. And now let us look at it in itself: let us see what it really is. The true end of education is not to

* Quoted by Mr. Law, p. 138.

stuff its recipient with knowledge for the examiner to extract, but to form the character—to fit a man, in Milton's majestic words, "to perform justly, skilfully, and magnanimously, all the offices, both public and private, of peace and war." But this English "education" which the Hindu receives in the Government Colleges in India simply unfits him for the discharge of his duties. Ethical culture—the very keystone of real education—has no place in it. It is—I speak from personal knowledge acquired as an examiner for the University of Madras—a gigantic system of cramming, absolutely void of any moral or spiritual worth. It does not form—it deforms—the character, emptying the student of reverence and respect, of modesty, of self-restraint, of good sense, and filling him with presumptuous vanity and unrestrained aggressiveness. There are many Orientalists of repute, well versed in the literature and sincerely attached to the faith and manners of their race—it has been my privilege to know not a few—who are more truly educated than these denationalised materialists. The claim of the Babu to be "educated," merely because he has had some instruction in English, is as absurd as his claim to represent the people of India. Nay,

he does not represent even a small minority of the English-speaking Indians. Of the 685,000 of them who know or are learning English, certainly three-fourths have no sort of sympathy with the Babu movement. Many of the most considerable—this is especially true of the Rajputs—are utterly averse to it as being quite opposed to their Conservative instincts. There are over a hundred thousand English-speaking Mohammedans, almost all of whom view it with deep detestation. We may say the same of the million and a half of Indian Christians in British India, of the Buddhists, the Jains, the Parsis and the Sikhs, of whom no small number are more or less acquainted with the English tongue. Still, it would be a great error to under-estimate the mischief which the Babu is working—thanks to us, we must always remember, for it is we who have made him what he is. Political, like other plagues, spread with a rapidity which is as unaccountable as it is astonishing. Sir William Lee Warner, in the concluding paragraph of his curiously optimistic little book, *The Citizen of India*, remarks : “ The process of education is going on in Indian society among millions who have never been inside a schoolroom or desire to enter one.” No

doubt *a* process of education is going on, widely, but it is of a very different kind from that which Sir William Lee Warner desired to glorify: it is an education in sedition spread through the country by vernacular journals. They are morally and intellectually of the most contemptible character. And it is precisely on that account that they are deadly.

But this greatly vaunted boon of English education is by no means the only outcome of the Anglicising movement in India. Cardinal Newman somewhere speaks, with the gentle irony of which he was a master, of "those benevolent persons who, with right intentions, but yet, I think narrow views, wish to introduce the British Constitution and British ideas into every nation and tribe under heaven." These "benevolent persons" have introduced what is called representative government into India—very much to the disgust of publicists, perhaps not less benevolent but endowed in ampler measure with intellectual vision. Thus Sir Henry Maine told the Legislative Council of India that "it would be matter of surprise to him if municipal institutions should flourish at all in Hindustan, and that it would be still more wonderful that they should

in any case be based upon a system of popular representation." Municipal institutions, he remarked, had had in Europe "an almost unbroken career of two thousand years"; and in India it was proposed to "create" them. Surely, he added, "this might be asserted, on the strength of English experience, that it was a most difficult if not insoluble, problem, to create a constituency, or set of constituencies, in which one class should not have the power to oppress the others, or to protect itself at their expense: and considering how native society is divided into castes and sects and religions and races, it would be surprising that there should be practicable, anywhere, a system of municipal election at once free and fair." * But Sir Henry Maine's dehortation was unheeded. His colleagues—obsessed, I suppose, by a power not themselves—were like "the deaf adder that stoppeth her ears, and refuseth to hear the voice of the charmer, charm he never so wisely." The result, however, has fully vindicated Sir Henry Maine's wisdom. Sir John Rees, who speaks with an experience possessed by few, tells us, in a striking passage, of the "dislike and distrust" felt by the masses for this local

* *Life and Speeches of Sir Henry Maine*, p. 264.

self-government, and particularly for "that very representative principle which is regarded as its glory by its founders and admirers." * The truth is that the vast bulk of the people of India do not want to be Anglicised. They prefer Oriental customs, Oriental faiths, and Oriental principles of administration. And in our mad endeavour to transform them into our image and likeness, we merely alienate them from a rule the excellence of which the more intelligent of them recognise. Sir Evelyn Wood—a good authority—in his recent very striking book, has put on record his opinion that one of the causes of the Indian Mutiny was "the well-meant but mistaken attempt to govern in accordance with systems prevailing in the United Kingdom, millions of Asiatics, as numerous as the people of Europe, and of as many different religions." † And yet in the more than half a century which has elapsed since the Mutiny, we have persisted in that attempt. It is time that we gave it up—which, indeed, is easier said than done. A necessary preliminary is, in Dr. Johnson's words, to clear our minds of cant. The existing unrest in India is largely—we might say altogether—the work of doctrinaires, or, as Lord

* *The Real India*, p. 106.

† *The Revolt in Hindustan*, p. 351.

Morley euphemistically calls them, “impatient idealists.”* They believe in abstractions—mostly of the Jacobin order—which they suppose to govern the world. But we must view things as they are and must be, not as they are not and cannot be.

V

And surely the first step for us is to realise the need of radical reform in “the corrupt and faulty education”—to use Milton’s words—which we have established in India. The most authoritative Indians clearly discern this necessity. Mr. Law tells us of a Parsi gentleman who said, in conversation with him: “Now, we want our children to receive religious instruction and moral training. The English system of education † does not suit the Oriental mind. Cramming and examinations may be all right for the West, but in the East they make boys like parrots. We want our boys

* “The impatient idealist—you know him. I know him. I like him, I have been one myself. . . . Whether he is an Indian idealist or a British idealist, I sympathise with him. Ah, gentlemen, how many of the most tragic miscarriages in human history have been due to the impatience of the idealist!”—*Indian Speeches*, p. 37.

† I quote the words as I find them, at p. 135 of Mr. Law’s book. But “the English system of education”!

to *think*, not to shine in the Examination Hall and then to forget all that they have learnt. We don't blame the Government of India. All the great religions of the world have adherents here: and the Government must treat all alike. So the Government cannot give a religious education. It is the bounden duty of Parsis to follow the example set by the Mohammedans at Aligarth and the Hindus at the Central Hindu College at Benares. A Western education without religion is fatal to Indians. You have but to look around and see the consequences of such an education to-day." These are not idle words. The little Parsi community is about to spend Rs. 2,500,000 on a Parsi Central College. There can be no doubt that the feeling thus exhibited, prevails widely among the better classes of Indians, and that it is rapidly gaining ground. A significant indication of it was given recently when the Mysore Government declared its profound dissatisfaction with the educational system—modelled on that of British India—hitherto prevailing in the schools and colleges of that State, and ordered the introduction into them of moral and religious instruction based on the Hindu Sacred Books. There would appear to be some reason for supposing that the

Government of India intends to follow this excellent example. Lord Minto is stated to have declared *: “The moral training of the rising generation our duty will no longer allow us to neglect.”

One fruit of the existing higher education in India is the seditious vernacular Press, largely the work of Babu B.A.’s and M.A.’s unable to obtain the Government employment for which they long. Freedom of the Press is so popular a shibboleth that to hint a doubt of its applicability, *semper, ubique et ab omnibus*, is commonly regarded as a sort of blasphemy. Still, I must confess that, for my part, I do not entertain unbounded admiration for journalism in any country. In the West, however, it is supposed to appeal to, and to represent, public opinion. In India, public opinion does not exist; and the end and aim of vernacular newspapers is to preach sedition, to carry on, in the emphatic language of Lord Curzon, “the campaign of vilification which is the real spawning ground of crime in India—the vilification of British officers.” † They are written—I have seen a good many of them—with a degree of impudence nearly

* See *The Times* of January 26th, 1910.

† Speech at Bath on December 30th, 1900.

approaching the sublime. They display a perfectly astounding unacquaintance with the history, whether of India or any other country, and an utter ignorance of elementary economics. Their logic is as bad as bad can be. Their rhetoric is not much better : it is a tissue of foolish common-places, far-fetched metaphors, absurd hyperboles, and base personalities. And they are doing their best to undermine the basis of British rule in Hindustan. We are assured that the Government of India will "no longer tolerate the proceedings of the revolutionary Press," that it is "determined to bridle literary licence." * Whether the measure passed for that end is adequate, appears to me very doubtful. There can be no question that a wise ruler would utterly suppress these vernacular prints. But can any ruler be truly wise if he has to suffer fools—I beg pardon ! I mean "impatient idealists"—gladly, because their votes may be wanted by the players of the party game in the House of Commons ? One thinks of General Gordon's mournful vaticination : "The British Empire was made by adventurers and will be ruined by politicians."

Prevention, the proverb tells us, is better than

* See *The Times* of January 26th, 1910.

cure ; but assuredly cure—radical cure—is necessary for the outbreak of lawless sedition under which India is suffering. It is that festering sore which, as the Roman poet admonishes us, must be subjected to the surgeon's knife lest the sound part should be infected : *immedicabile vulnus ense recidendum est ne pars sincera trahatur*. A Mohammedan gentleman of Hyderabad, in conversation with Mr. Law, gave a somewhat crude expression to this opinion. "Lord Minto," he observed, "is weak. He should cut off a hand and a foot of each man and boy connected with bombs ; that would very quickly put a stop to outrages for the future." * Possibly this drastic remedy might have commended itself to our Moslem predecessors in the Indian Empire. But as now it is clearly out of date, it need not be discussed here. We may, however, rest assured that stern treatment of sedition is a far better policy in India than the half toleration of it which has been hitherto practised, and which is imputed by Indians to weakness. I remember a story of Lord Hertford receiving, on one occasion, in Paris, where he chiefly abode, a deputation of his Irish tenants,

* *Glimpses of Hidden India*, p. 78.

who hinted, not ambiguously, that unless their demands were complied with, it would be the worse for his agents; to whom he blandly replied: "Gentlemen, you won't intimidate me by shooting my agents." The Bengali assassin believes that he will intimidate the British Government by shooting its agents. He ought to be undeceived. Heavy sentences on all who are proved to be, in any degree, implicated in sedition, and the plentiful deportation, not followed by the speedy repatriation, of those who are reasonably suspected of fomenting it, are absolutely necessary if the Pax Britannica is to be maintained in Hindustan. True is that word of Spinoza: *Terret vulgus ntsi metuat*.

VI

But it may be objected that I have not said one word about the "healing measures" recently introduced into India. That is true, and the reason is that I do not greatly believe in those healing measures. Assuredly they will not satisfy the Bengali Babus—that has already been pretty clearly shown—whose cry of "India for the Indians" means India for themselves. Nothing

will satisfy them but that. And if anything is absolutely certain, it is that they might just as well cry for the moon—to borrow an expression of Lord Morley’s.* The haughty Moslems, the chivalrous and truth-loving Rajputs, the warlike Sikhs, even the Eurasians and the native Christians, would disdain the ignominious yoke of the babbling Babu. In the incredible event of our quitting the country, most assuredly it is not the Babus who would rule it. There is a striking passage in Baron von Hübner’s most interesting work. He tells us of a well-known Brahmin in Benares, a man in high position and not specially well affected to us, who said: “Do you know what would happen if the English should leave India? Suppose we went down into our parks and opened the cages of our wild beasts. In a few minutes they would have devoured us and one another, except the tiger who would survive, his mouth and claws stained with blood. That tiger will be Mohammedan.”† I incline to think this true. The Mohammedans are dynamically the most considerable of the jarring elements of the population

* “Some of them are angry with me. Why? Because I have not been able to give them the moon. I have got no moon: and if I had, I would not part with it.”—*Indian Speeches*, p. 40.

† *A travers l'Empire Britannique*, par M. le Baron von Hübner, Vol. II., p. 241.

of India. They are a homogeneous people, closely united by their religion. They have the traditions of a ruling race, for long centuries established in the seat of power, and they are quite capable of holding their own in it again. If the formula, "India for the Indians," is ever translated into fact, it will probably mean India for the Moham-medans. But it will not be translated into fact. We are sometimes told that our acquisition of India was the result of accident. For my part, I do not believe in accident : "es gibt kein Zufall."* In the Providential ordering of the world, this task of ruling India has been assigned to us—we did not seek it. We have fulfilled the task, as all impartial men will allow, with a rectitude of purpose—whatever our errors of judgment—meriting the success which we have achieved. The peace and order and material prosperity which we have introduced into a country where we found war and confusion and misery, are a most just title to empire. We are the rulers of India by the right divine that we rule it best ; and we could not abandon our work there without

*

"Es gibt kein Zufall ;
Und was uns blindes Ohngefähr nur dünkt,
Gerade das steigt aus den tiefsten Quellen."

Wallenstein's Tod,

the grossest dereliction of duty. M. Maindron remarks: "Les Anglais prisent l'Inde parce qu'ils étaient capables de la prendre et surtout de la garder." * That is so. Our rights in that country rest, most legitimately, upon our might. True it is, however much the sick sentimentalism of the day may dislike the truth, that, as we won India by the sword, so we hold it by the sword. Lord Curzon said some time ago that the Mutiny is forgotten there. We may hope that it is not, for the stern experiences of its repression should have taught, for all time, the lesson that the Englishman beareth not the sword in vain.

One great danger in paltering with sedition is that it may induce a state of things in which this fact will require to be put again in evidence. Another danger of it is that in the futile attempts to conciliate the enemies of the British Raj, we may alienate our best friends. The Hindu masses—those ninety per cent. of the population who live by agriculture—are loyal to us. They appeal for our protection with the wistful trustfulness of dumb creatures. It would be an ill return for their loyalty to deliver them unto the will of

* *Dans l'Inde du Sud*, Vol. II., p. 276.

their enemies—those Congress agitators who seek to make the Government abandon the taxes to which it is immemorially entitled, levied from wealthy landlords, and spent, in a great measure, on the wretched cultivators, with the resulting necessity of exacting, in some way, from the poor toilers and tillers, the amount remitted.* Then, again, not a few of the Mohammedans—they number nearly sixty millions, be it remembered—almost all sincerely attached to our rule, regard the recent so-called “ reforms ” as wrung from the Government by Babu agitators, whose hostility to them is manifested on every possible occasion, and whose disgust at the endeavours made by Lord Morley and Lord Minto to protect, at all events to some extent, their rights, has, as we all know, been loudly expressed. Sir John Rees observes : “ The opinion is widespread that agitation pays, and the writer has frequently heard the Honours List discussed by Indian gentlemen with the remark, ‘ Only the natives who worry and oppose the Government are remembered

* *The Times*, in a leading article on 17th November, 1909, truly observes that these poor people “ owe to British officials, too frequently in the teeth of violent opposition from the Hindu politician, every measure which has been hitherto passed to promote the interest of agriculture, and to abate the rapacity of the usurer and the land-grabber.”

by it on these occasions. Loyalty does not pay.' " *

Naturally, this policy does not commend itself to the Indian ruling Princes, who are the faithful vassals of the British Raj. They are utterly out of sympathy with Babudom, and view with great dislike the unrest which it has fomented. They may well do so. "*Tua res agitur paries quum proximus ardet.*" "Sedition," the most considerable of them—the Nizam—wrote to the Viceroy, "should be localised and rooted out mercilessly." † They *know* their countrymen and, without exception, regard the extemporised representative local government in India as a house of cards raised on a foundation of sand—an edifice as combustible as unstable. But such knowledge as the native Princes of India possess of the people is rarely found among Indian officials. There are, of course, conspicuous exceptions ;

* P. 217. A very competent special correspondent of *The Times*, who has contributed to that journal a series of articles on Indian Unrest, observes in its issue of August 19th, 1910 :

"It would be an evil day for the internal peace of India if a people still so proud of their history, so jealous of their religion and so conscious of their virile superiority as the Mahomedans, came to believe that they could only trust to their own right hand, and no longer to the authority and sense of justice of the British *raj*, to avert the dangers which they foresee in the future, from the establishment of an overt or covert Hindu ascendancy."

† See *The Times* of January 24th, 1910.

but it is not too much to say that few of them speak any vernacular with fluency,* that hardly any possess real acquaintance with the "mentality" of the Indians over whom they rule. The average Civil Servant of these days takes no root in the country. He lives in a little English world of his own, quite remote from the thoughts, habits, traditions of the Indian races. Moreover, he has not the authority possessed by the elder race of civilians; and, consequently, he has not the same sense of responsibility. He does his duty honestly according to his lights. But he is not sympathetic. There is a native saying: "The English are just, but they are not kind." My own experience certainly tallies with that of M. Maindron,† that a man who wishes to know India could not do better than put himself, for a time, in the hands of the Catholic missionaries.‡ These devoted men, who come to the country to live and die, really make it their home, conforming largely to the native way of life, speaking with absolute ease the vernacular

* In a great number of cases this is not their fault. It is caused by the administrative nomadism so largely prevailing in India.

† P. 116.

‡ When I say *Catholic* missionaries I have no wish to disparage the Protestant, who are, as a rule, blameless and worthy men, and many of whom have done good service in providing aids to the study of the Indian vernaculars.

of the region where they labour, wholly familiar with the manners, customs, modes of thought of their flock. The ordinary tourists, passing a few weeks in hotels or in the houses of Europeans, see nothing of the real Hindustan. They live in an utterly different environment. And on the strength of this brief and wholly uninformative sojourn, they profess to settle Indian problems in the House of Commons offhand. “ Impatient idealists ” ! Rather, blind guides leading the blind—those who have eyes know whither.

CHAPTER VI

THE QUESTION OF CHEAPNESS

I

AMONG the many glories of this enlightened age, which inspire the British Philistine with the conviction that we are "much superior to our forefathers," one of the most loudly-trumpeted is its cheapness. The columns of the newspapers are full of advertisements setting forth the exceedingly low prices of the wares offered, on all sides, to a discerning public. The goods exposed in the shop windows bear tickets indicative of the desire of the vendors to cut down their profits to the uttermost farthing. Placards announcing that "unparalleled value" may be obtained at this or that store, are borne through our streets by ambulatory men-machines. I need not enlarge upon what is so familiar. But I will ask my readers to consider whether this

much-vaunted cheapness of commodities is such an unmixed gain as is popularly supposed. Is there not reason to believe that very often it costs too much? We will proceed to pursue that inquiry in the present Chapter.

II

This subject was brought home to me in a curious and pathetic way. One afternoon I chanced to meet in Regent Street three lady friends who had come up to Town for shopping, and I remember their surprise and delight at finding in one of the establishments which they visited, shirt blouses, of a dainty kind, on sale at half a crown each. They purchased a dozen, and evidently regarded this cheapness as simply miraculous. They were so good as to invite me to dine with them that evening at a restaurant of which I will not mention the name, for I have no desire to advertise it. Nor indeed is that necessary. The perfection of its cuisine and the excellence of its wines have deservedly won for it a world-wide reputation. It is as deservedly celebrated for its high charges. I could not help noticing that upon

the occasion of which I speak my kind hostess received very little change from the Five Pound Note which she tendered in payment for our dinner. The evening was fine : and after taking leave of my friends I set out to walk to South Kensington. When I reached Hyde Park Corner a young girl, who chanced to be just in front of me, was almost run over by a carriage which dashed rapidly out of the Park. Apparently she had not noticed it : fortunately I had seized her by the arm and pulled her back in time. She seemed a good deal frightened and inclined to be hysterical. A constable came up, and I looked at him interrogatively, wondering whether she was quite sober. He caught my meaning, and after giving a swift glance at her, said : “ No, sir, it’s not drink : it’s hunger. If she sits down for a bit she will pull herself together.” He helped her to a seat just inside the Park and left her there, after a minute, murmuring something which I did not quite catch about sending some one to her. The girl said to me, “ Thank you for saving me ; I was nearly killed, I think ” ; and she shuddered. She was a slight, delicate-looking creature, of plaintively prepossessing appearance, neatly dressed, and quiet in manner. I replied : “ Yes, you had a

narrow escape : now that you have recovered from your fright, shall I put you into a cab and send you home ? ” “ Thank you,” she answered, “ but I mustn’t go back yet : I have come out to try to earn a little money ; I spent my last shillings in buying these shoes to come out in, and I owe my landlady a fortnight’s rent. I haven’t been able to get any work lately.” I inquired what she worked at. She told me she made ladies’ shirt blouses, but could not live on what she earned in that way ; she was paid four shillings for making a dozen : it was the usual rate ; she worked for Messrs. ———, mentioning the tradesmen whose shop my fair friends had visited that afternoon. It is a dictum of Renan that the miraculous is the unexplained ; and this was the explanation of those miracles of cheapness at which my friends had marvelled. Two benevolent-looking women connected, as I judged from their garb, with the Salvation Army, now came up, sent doubtless by the constable, and spoke gently to the girl. I said : “ I will leave you to these kind ladies, who I am sure, will be willing to help you ” ; and, putting money in her hand, I went my way.

The incident set me thinking. The amount which the girl told me she received for making

shirt blouses seemed so incredibly small, that I inclined to doubt her word. But I found that what she had said was true. I was led to make further inquiries, in the course of which I learnt some ugly facts. These are some of them. Young women are paid three shillings and sixpence per dozen for making ulsters; from fivepence to sevenpence per dozen for making children's pinafores, and they have to find their own cotton; one shilling and fourpence per dozen for nainsook chemises trimmed with lace or embroidery—these are sold at one shilling and fourpence each; from two shillings to two shillings and sixpence per dozen for night-dresses with toby frills; two shillings and ninepence per dozen for making workmen's shirts; ninepence each for covering umbrellas, including the cutting out; one shilling and threepence each for blouses which a skilled workman could not finish in less than a day; one shilling and twopence for making a lined skirt with striped flounce and stitching: a good worker, it is calculated, working at high pressure, would turn out eight of these in a week; two shillings and threepence for a bell-shaped skirt with seven seams, lined, and strapped with thirty-six yards of satin strapping; and a penny a pair for "golf knickers,

complete.” Is it any wonder, human nature being what it is, that many girls find this life of such hard toil and scanty remuneration intolerable, especially when we remember that the employment is precarious ?

“ Young men will do’t :
If they come to’t,
By cock they are to blame,”

we are admonished in poor Ophelia’s song. “ To blame.” But how much ? The wonder to me is not that some of our poor seamstresses yield to temptation, but that so many resist it.

Again. The shops which vend these wares are carried on at great cost. Rents are high, rates are high, and returns are uncertain. Shopkeepers are naturally anxious to keep down their expenses. Young women, fair to see, and quite capable of the not very arduous function of selling their goods, are to be obtained in abundance ; and it is notorious that the salaries received by these damsels, in some West End establishments, are inadequate even for the purchase of the raiment which adorns them. “ How do they manage ? ” Madame Logerais, the shop proprietress, asks Marguerite, the shop-girl, in a suggestive passage of Brieux’s pathetic play, *La Petite Amie* ; and she replies,

quietly, "Madame, you know very well how they manage." But the passage is worth quoting, for it is as applicable to London as to Paris.

MADAME LOGERAIS: Mon petit chat il faut être un peu plus coquet. Nos clientes aiment à voir des vendeuses gentiment habillées.

MARGUERITE: Oui, Madame——

MADAME LOGERAIS: Très gentiment habillées!

MARGUERITE: Madame, avec ce que je gagne——

MADAME LOGERAIS: Comment avec ce que vous gagnez! Mais, mon enfant, à ce prix-là j'en aurai tant que je voudrais et bien attifées, je vous en répons. Comment font-elles celles-là?

MARGUERITE (*avec douceur*): Madame, vous le savez bien comme elles font."

III

One item, then, of the cost of cheapness is the chastity of young girls. Another is the unspeakable degradation of family life. The foul hand of the sweater has been laid upon the English home with appalling consequences. But let me explain what I mean by a sweater. And I cannot give a better explanation than the one which I find in the Report drafted* by Lord Dunraven for the Committee of the House of Lords on Sweating, over which he presided.

* And not adopted by the Committee, who preferred a somewhat tamer document from the pen of Lord Thring.

“Sweating” has somewhat different significations in different trades, and there is much controversy as to the persons to whom it can be rightly applied ; but putting aside these verbal distinctions, when we come to deal with the facts, we find that there exists in London, and other large cities, a considerable class of workers who are unable to deal directly with a *bona fide* employer, and who are compelled to accept whatever terms may be offered by a middleman or sub-contractor. The middleman soon discovers that, as a general rule, he has at his disposal an overcrowded labour market, and that a large proportion of the persons who fill it are without friends, organisation, or the means of obtaining help. Some of them are in positions of extreme emergency. Many are in total ignorance of, and most of them have but an imperfect dexterity in, the trades which they profess to practise. By taking advantage of these circumstances, the sweater, who may be either a mere go-between, possessing no knowledge of the trade by which he lives, or a workman little better off in any respect than the person he employs, is enabled to get this class entirely into his power, and the usual result is that he works them as many hours, and for whatever wages, he may think proper to fix. He has nothing to fear from combination against him, as the ranks of the sweated class are continually enlarged by foreign immigration.*

* On the subject of foreign immigration, the following extract from the *Pall Mall Gazette* of December 8th, 1904, may be worth reading. It is by no means out of date :

“Major Evans-Gordon, M.P., was the guest at dinner last night of the United Wards at Cannon Street Hotel. After dinner, in the course of an address upon the Alien Immigration question, he said it was among the unskilled labourers that the competition of the alien was chiefly felt in London. Forty per cent. of the aliens landing in this country were completely destitute, while many of the remainder possessed less than a sovereign apiece. The result was a lowering of the rate of wages, and also of the standard of living. Girls of seventeen or twenty were known to work in tailors’ shops for 1s. a week and somewhere to sleep. During the last two years wages in the tailoring

Such, then, is sweating. And now let me put before my readers a typical instance of its working, which came before the Lords' Committee. I am again quoting from Lord Dunraven's draft Report.

One of the victims of the system told her own story to the Committee. She had worked at trouser-finishing about twenty-two years. It was impossible for her to do more than four pairs a day, and she was paid from $4\frac{1}{2}d.$ to $6d.$ for each pair. She had to provide her own materials, as well as her fire and lighting; and in the end she found herself unable to clear more than $1s.$ a day. "I have," she said, "to work many hours to do that; I am up at six o'clock every morning, and never done till eight at night." She was obliged to pay $2s.$ a week for rent, and had three children to support, the eldest ten years of age. For three years her husband had been unable to work. We shall have to refer to other cases equally sorrowful when we review the various trades, but we mention this one here, because the poor woman, with her twenty-two years' experience, had a true perception of one of the causes of her misery. Prices, she

business, boot-machining, and cabinet-making had been reduced 50 per cent. owing to the competition of foreign sweated labour.

"Legislation on the subject should ensure the following objects :—

- (1) That in giving hospitality to foreigners, no hardship or suffering should be inflicted upon our own people.
- (2) That asylum should be given to no one who, by reason of bad character, bad health, or lack of visible or probable means of subsistence, was unsuited for the privilege.
- (3) That those who, after admission, proved themselves unfit or unworthy should be expelled from the country.

The only serious argument against such legislation was the difficulty of carrying it out. But the success which had attended the efforts of other countries, and notably America, showed that this difficulty was greatly exaggerated."

said, had been steadily declining for the past ten years. Her household anxieties and troubles had given her a date by which she could fix the exact period. "I can put it to ten years, for it is my eldest boy's age." She was asked if she could account for the decline, and her answer was, "There are so many of these foreign Jews, who come and take it one against the other; one will go in and put it so much cheaper than another, and that is how the work is brought down as it is; that is how the trade is brought down." The result upon her own life could not be misunderstood. Asked what food she got, she replied, "Chiefly I get a herring and a cup of tea; that is the chief of my living, with the rent to pay, and three children eating very hearty. As for meat, I do not expect it; I get meat once in six months."

Occasionally, of course, the victims of this system find their way into the criminal dock. I have before me a bundle of reports of cases which are sickening reading. I will here briefly present two of them—they are not the worst, but perhaps they are the most typical. The first is that of a widow, fifty-four years of age, described by trustworthy witnesses as "honest and hardworking," who was charged before the Alderman sitting at Guildhall with stealing, from a Jew clothier, certain vests which she had pawned. She pleaded guilty, adding—and the truth of her statement was not impugned—"I had to make forty coats for ten shillings, and I can make a coat for you, sir, for threepence. I got three shillings a dozen, and

had to pay a girl something for pressing them. When I paid my rent I had scarcely anything left ; I am sorry." Another poor woman was charged at Worship Street with stealing a quantity of boys' suits. She had worked for the prosecuting firm, off and on, for twenty years, and they were in the habit of sending her, in considerable quantities, materials cut and prepared for making up. On the occasion in question, she received from them a bundle of boys' reefing jackets which she was to finish at sixpence each, but before she and her daughter could do them, a quantity of boys' suits was sent her ; these she agreed to make up for fivepence farthing each suit. Being in dire need of money just then, she pawned some of them. Hence the prosecution. The poor woman was committed for trial, and at the trial it appeared in evidence that she, her daughter, and her husband lived together in one room, the rent of which was four shillings and threepence a week ; and that they paid weekly one and sixpence for the hire of a sewing machine, eightpence for soap for pressing, sixpence for sewing cotton, sixpence for oil for lamp, and two shillings for coal. It appeared also that the three of them, working fourteen hours daily, and sometimes all night long, could earn

only two shillings and ninepence a day, or sixteen and sixpence a week, so that when expenses were paid, they had seven shillings a week to live on.

Father, mother, and daughter living together in one small room, and toiling incessantly to earn a shilling a day between them, wherewith to eat and drink and be clothed ! Thousands upon thousands of such homes exist among us. They are a notable item in the cost of cheapness. But if we ascend a little higher in the scale of workers, we find a condition of things very slightly better. Mr. Seebom Rowntree's book *Poverty* is probably known to some of my readers ; I would it were known to all. It gives an account of unskilled labour in the City of York. And this is what the account amounts to : that nearly twenty-eight per cent. of the population of that city—which we may safely take to be no worse and no better than other cities of the same size, but a fair average specimen—are living in a condition which Mr. Rowntree calls “poverty.” I do not think the word very happily chosen. It is all too weak to express Mr. Rowntree's meaning, which is the state of life wherein the earnings of a family are “insufficient to obtain the minimum necessities for the maintenance of merely physical efficiency.”

He shows, by most careful and exact calculations of the cost of the necessary foodstuffs, clothing, and fuel, that the lowest income on which a family of five—man, wife, and three children—can subsist, without necessarily incurring physical deterioration, is twenty-one shillings and eightpence a week. He takes “necessary” in the strictest sense. “The estimates of necessary minimum expenditure,” he tells us, “are based upon the assumption that the diet is even less generous than that allowed to able-bodied paupers in the York Workhouse, and that *no allowance is made for any expenditure other than that absolutely required for the maintenance of merely physical efficiency.*” Ponder these last nineteen words which Mr. Rowntree puts in italics ; not a penny to be spent on a train or an omnibus, on a book or a newspaper, on a pipe of tobacco or on a glass of beer ; on a toy for a child or a popular entertainment for the man or his wife. It is a standard of animal, not human life. But in York twenty thousand three hundred and two persons—nearly twenty-eight per cent. of the population—cannot attain even to *that* standard, and are living, in varying degrees, below it. Why is this ? It is chiefly because, as Mr. Rowntree bears witness, “of the low wage

of unorganised labour ” ; or, as Mr. Charles Booth puts it, in his well-known work, because of “ the unrestricted competition in industry of the needy and helpless.” Here is another item of the price which we pay for cheapness.

“ Never before,” Mr. Chamberlain told us some years ago, “ was the misery of the poor more intense, never were the conditions of their daily life more hopeless and degraded.” True as his words were when spoken, they are even truer now. But there is something more to be said on this topic of the degradation of the English home. That degradation is the direct cause of the physical deterioration of our race, which is beginning at last to force itself upon reluctant minds, usually absorbed in the fascinating game of party politics. What kind of children are they that grow up in the conditions indicated by Mr. Rowntree ? Conditions which mean dirt and disease, with their invariable concomitants, drunkenness and crime. I know of nothing sadder than to go into the poor quarters of one of our large cities and to gaze on the multitudes of stunted, sickly, suffering boys and girls whom one sees there, with their narrow chests, their rickety limbs, their faulty teeth. The causes are clear enough : such as the

overcrowding of human life in the slums where they dwell, their unwholesome and insufficient food, the ill-health of mothers toiling incessantly for a precarious pittance under the sweating system, or in conditions hardly less crushing, until the very birth of their offspring. The disintegration of the family has now been going on in our country for many years, and we see the result of it in "the more vitiated progeny" which swarms in the streets and lanes, the alleys and courts, where the indigent are congregated. I need not pursue this topic. I must refer my readers who wish to know more about it to the analysis of the physical condition of very poor children which they will find in Mr. Rowntree's book. Here I will merely note the terribly significant fact that "sixty per cent. of our adult male population now fail to reach the already low standard of the recruiting sergeant."

IV

Again. Consider the case of the multitudes of men, women, and children employed in "dangerous" trades. Think of the gradual impairment of health, terminating in premature death,

which is so frequently their doom : the numerous accidents attended with loss of life, or with corporal mutilation, which befall them. "Accidents !" "The greater part of what we call accidents are crimes," says Dr. Opimian, in that delightful book, *Gryll Grange*. "Crimes !" the shocked manufacturer would reply : "Why, my hands take the risk. How can I provide expensive safeguards when I have to produce cheaply ?" It is true. This is unquestionably the reason why various approved contrivances for the protection of life and limb and health are often withheld in dangerous trades : the expense of production would be unduly increased thereby. Mr. and Mrs. Webb put it with grim terseness : "In the majority of industries it costs less, whether in the form of an annual premium, or in that of an occasional lump sum out of profits, to compensate for accidents than to prevent them." * Here the cost of cheapness is the health, the life of the worker. This truth has received recognition—if recognition were wanted—in the *Workmen's Compensation Act*.

* *Industrial Democracy*, p. 375.

V

There is yet another item of the cost of cheapness which should not be overlooked. One of the most sagacious of Englishmen—for so I must account him—the first Duke of Wellington, said : “High interest is only another name for bad security.” In like manner we may affirm that, generally, cheapness is only another name for bad quality. So, indeed, the familiar saying witnesses, “cheap and nasty.” But here I will quote a striking passage from Lord Dunraven’s draft Report :

Cheapness is now all that is sought for. The attention of the Committee was called to the chairs in the room in which they sat. “We used to get paid £1 18s. for re-stuffing and re-covering those,” Mr. Holland, the upholsterer, told us, “and now the price is cut down to 23s. You do not imagine the Government get the same thing : I know they do not. The article is not in reality cheaper, although it seems so. That chair,” explained Mr. Holland, “used to cost us altogether 34s. 8d., and we used to charge it to the Office of Works at 38s. Now the price it costs us is £1 os. 1d., and we charge the Office of Works 23s.” At every stage of the manufacture the price had been cut down, and inferior materials were used. “There are chairs in the Treasury,” remarked one of the contractors who supply the Government, “which bear the stamp of William IV. on them. You will not find chairs stand like that now.” Cheapness has been attained, but it is at the cost of nearly everything that

British merchants and tradesmen formerly prided themselves upon, and which won for them their high repute throughout the world. “I can remember the time,” said Mr. Holland, “when nobody in the West End thought of using any inferior materials” . . . [now] “some of the best houses, even at the West End, go to the East End for articles which bear a resemblance to genuine work of their own manufacture; but the resemblance does not go further than the outside. The general fact is abundantly proved that the race for cheapness has led to the production of inferior goods.”

By way of commentary upon and supplement to these remarks of Mr. Holland, I will give an extract from the late Mr. David Syme’s little known but very valuable work, *Outlines of an Economic Science* :

Fraud, in one or other of its thousand shapes, meets us at every turn at every hour of the day. Everything we buy is different from what it is represented to be, and everything we eat, drink, or wear, is adulterated, more or less, so that we seem actually to be living in an atmosphere of fraud. . . . British manufacturers have become so accustomed to make goods merely for sale, that they seem almost to have forgotten that they are wanted for use. This is more especially the case when the goods are intended for export. Any rubbish which is quite unsaleable at home is considered quite good enough to send abroad. So long as it is off their hands and the money obtained for it, what is it to them if the article, when it arrives at its destination, proves to be utterly worthless for the purpose for which it was ordered? . . . Some day or other England will wake up and find herself without a character and without an export trade.*

* Pp. 80-90.

VI

Such are a few of the items—to present the complete account would require a volume to itself—of the cost of cheapness. They are enough, surely, to make us ask, “Ought these things so to be?” But before we proceed to consider that, a *caveat* must be entered.

The first thing which occurs to any one who brings to the discussion of any social problem even an elementary knowledge of history, a rudimentary acquaintance with political philosophy, a moderate power of reflection, is the necessity of guarding against superficial data, abstract logic, intemperate dogmatism. The simpler a formula is in such a matter, the less trustworthy is it. The existing organisation of society is the outcome of many causes working through long tracts of years. The men and women of the present generation are, for the most part, *directly* responsible for it only in small degree. A division of mankind into good and bad, robbers and robbed, tyrants and victims, may pass in parables. It has no ground in reality. The *habentes* are not all thieves: the *non-habentes* are not all injured innocents. There is no panacea for the maladies of the body politic. Even the

most specious looking remedies must be applied cautiously, tentatively, gradually. But an indispensable preliminary to the application of any remedy is to trace the mischief to its cause, which will usually be found to be some false doctrine, some wrong conception of man, of society. Let us try to pursue that method with regard to the mischief dwelt upon in the foregoing pages of this Chapter.

What, then, is the doctrine in which this "frantic race for cheapness in production" finds its justification? It is unquestionably the doctrine of the sect of Political Economists called Orthodox—a sect which for the greater part of the last century dominated the English mind. The fundamental principle of that school, the cornerstone of all its system, is covetousness, disguised, usually, under a less ill-sounding name. Senior avers: "The proposition that every man desires to obtain additional wealth with as little sacrifice as possible, is in political economy what gravitation is in physics: the ultimate fact beyond which reasoning cannot go." * From this ultimate fact the doctors of "the great science," as it used to be termed, derive their so-called "laws"

* *Political Economy*, p. 28.

of competition, prices, profits, rents—which are merely hypothetical statements of the way in which covetousness operates: and as Toynbee pointed out, these “ ‘ laws ’ have come to be looked upon as a complete philosophy of social and industrial life.” Adam Smith assures us that “ the natural effort of every individual to better his own condition, when suffered to exert itself with freedom and security, is so powerful a principle that it is, alone, and without any assistance, capable of carrying on the society to wealth and prosperity ” : * Francis Newman lays down what he calls “ the grand and noble moral theorem ” that “ the Laws of the Market which individual interest generates are precisely those which tend best to the universal benefit : ” † and Bastiat declares “ Competition is to the moral world what the law of equilibrium is to the material one.” ‡ Now covetousness naturally leads a man to buy in the cheapest market and to sell in the dearest ; and to do this is the Orthodox Political Economist’s first and great commandment, on which hang all his law and his prophets. Nor is a man’s bargaining to be

* *Wealth of Nations*, Book IV., c. 5.

† *Lectures on Political Economy*, p. 63.

‡ *Essays on Political Economy*, p. 57 (Eng. Trans.).

affected, or conditioned, by any considerations whatever independent of this master principle. The proper price of a commodity, and human labour is viewed merely as a commodity—“*die Arbeit ist eine Waare*”—is the lowest sum for which it can be procured. On the one hand, is the Demand : on the other, the Supply ; and of course, if the Supply exceeds the Demand, Competition rules the price. This is the glorious liberty of the sellers of labour according to the economic gospel so long received and believed among us. They are free to compete among themselves. What more can they want ? It is true that the competition wage, as we have seen, is seldom more than enough, and often not enough, to supply the unskilled labourer and his offspring with the bare means of subsistence, the surplus value of his labour being taken by the man who hires him. But this is the state of things blessed and approved by the Orthodox Political Economists as “the free play of natural forces.” It is not so very long ago that one of them inveighing, after the manner of his kind, against Trades Unions, insisted that “the reward of labour like the exchange of commodities” should be “free to be regulated by the heaven-ordained laws of Supply and Demand.” Mr.

Sterling's conception of heaven must have been a strange one if he imagined that his "laws of Supply and Demand" emanated thence. But it is probable that this reference to the celestial region was only a rhetorical trope, a lumbering flight of economic fancy. Professor Jevons, however, in his *Primer of Political Economy*—I elect to refer to that work because it is addressed *ad populum*—seriously insists: "The employer is, generally speaking, right in getting work done at the lowest possible cost: it is a question of Supply and Demand." * "Right": the word may well make us pause. But I shall return to it hereafter. Here I quote the Professor's dictum as a striking manifestation of the spirit of commercialism animating the old Orthodox Political Economy, which in spite of many somewhat inconsistent modifications in text books, and remedial measures of legislation, still retains predominance in theory and in practice. George Sand puts it well: "L'amour d'argent a passé en dogme de morale publique." Money is installed among us as the one end of action: Supply and Demand, working by competition, as the one bond of society. Mammon is, in Wordsworth's phrase, "The master-idol

* P. 67.

of this realm.” Society is founded on a money contract ; and if you venture to hint a doubt whether that is a right foundation, people are surprised, and regard you as an amiable lunatic. “We think,” Carlyle observes, “nothing doubting, that [cash payment] absolves and liquidates all engagements of men. ‘My starving workers,’ answers the rich Mill-owner, ‘did I not hire them fairly in the market? Did I not pay them fairly, to the last sixpence, the sum covenanted for? What have I to do with them more?’” * Professor Ladd is well warranted when in his suggestive work, *Philosophy of Conduct*, he observes that “under the present conditions of the struggle for existence, we are witnessing a return to the brutish point of view, to the doctrine of the right of might, to the concealed or expressed opinion that it is justifiable for the strong to go as far as they can, by way of pushing the weak and unfortunate over the wall.” †

VII

No doubt society is ever a tumult of hostile interests ; no doubt selfishness, like sympathy—

* *Past and Present*, p. 185.

† Pref., p. 11.
P

I decline to employ the barbarous jargon of "egoism" and "altruism"—is a permanent element of human nature. But mankind is governed by its ideals. And the ideals which dominate our age are quite other than those which, however imperfectly apprehended or haltingly followed, yet ruled the minds and guided the lives of so many generations of our forefathers. There is a vast difference between the way in which we regard selfishness, and the way in which they regarded it. What the Orthodox Political Economy venerates as the "powerful principle alone and without any assistance, capable of carrying on the society to wealth and prosperity," as being "in political economy what gravitation is in physics," as a "grand and noble moral theorem," the ethical teachers from whom the Western world learnt for a thousand years, numbered among the seven deadly sins. Chief among those teachers is St. Thomas Aquinas, and this is his definition of avarice: "The sin by which a man desires to acquire, or to retain, in undue measure: an immoderate love of having." * The appeal is to what is *due*: "necessary to a man's life, according to his rank and condition:" to what ought to

* *Summa Theologica*: 2, 2, q. 118, a. 1.

be : to reason speaking through the moral law. For let me again note that for Aquinas, as for Kant, and indeed for transcendental moralists generally, the moral law is not, as is alleged by a popular writer, whose confident dogmatism was largely the outcome of his colossal ignorance, "a code of theological ethics : " * that he is utterly in error in asserting that for us "right and wrong are right and wrong simply in virtue of Divine enactment." † The moral law is another name for the ideal of justice—τὸ δίκαιον, the old Greeks called it—a fundamental, aboriginal, indecomposable ideal, the authority of which is intrinsic and unconditioned : which is its own evidence, its own justification ; which would subsist to all eternity, as it has subsisted from all eternity, though Christianity and every other religion should vanish away. It depends, Suarez well teaches, upon those dictates of reason which are "intrinsically necessary and independent of all volition, even of the Divine." ‡ It is the rule of action which necessarily arises out of the relation of reason to itself as its own end ; and I gladly adopt the words of a recent writer that

* Herbert Spencer's *Data of Ethics*, pref., p. iv.

† *Ibid.*, p. 50.

‡ *De Legibus*, c. vi., n. 1.

the recognition of "Reason as supreme moral faculty . . . is the significant mark which distinguishes the real from the spurious in moral schemes." * But although the authority of the moral law is absolute and unconditioned, and independent of theological doctrines, it doubtless finds in religion its strongest sanction. The command: "Thou shalt not steal," is valid for all time, and in all worlds, whether there be a God or not. But Christianity—the religion with which, as a matter of fact, we have to do—powerfully enforces it by that word of the Apostle, prescient of retributive justice: "that no man go beyond or defraud his brother in any matter, because that the Lord is the Avenger of all such."

VIII

We are told that European society can do, and will have to do, without Christianity. I do not propose here to discuss that question. But I am sure that European society cannot do without ethics — a science well described as "supreme over the whole of human practice": †

* Courtney's *Constructive Ethics*, p. 193.

† Shadworth Hodgson's *Metaphysic of Experience*, Vol. III., p. 214.

and as a student of history, I am led to doubt whether morality is *practically* sufficient for the government of life apart from the support and sanction of religion. However that may be, certain it is that man is, in Aristotle's words, an ethical animal. Certain, too, is it that society is an ethical organism ; as Euripides puts it, "we live by well-known laws of right and wrong." It is a function of ethics—in the admirable words of a writer quoted just now — "to bind all humanity into one corporate commonwealth of moral units." * The moral law it is which transforms life from a war of all against all, into an ordered community founded on justice—*Justitia fundamentum regni*. And what is justice, according to the pregnant definition of the Roman jurist, which cannot be too constantly kept before us, but "the constant and ever-present will to give each his due?" Justice should rule in the relations of life. There is a *justum pretium*, a fair wage for labour, even unskilled labour. And—to return to the immediate subject of this Chapter—if that is so, surely we must meet with an emphatic negative Professor Jevons' assertion that the employer is right in getting work done

* Courtney's *Constructive Ethics*, p. 193.

at the lowest possible cost. No : the employer is not right in getting work done at the lowest possible cost. Professor Marshall, I am glad to notice, has reprobated "the cruelty of irresponsible competition." * Can any one maintain that the employer is right in treating his workpeople cruelly ? The labourer is *worthy* of his hire : he is *entitled* to a fair wage, the measure of which is, as those older moralists taught, the means of living a *human* life ; and this includes, not merely house and home, but leisure and spiritual cultivation ; not merely, in their accurate language, *bona naturæ necessaria*, but *bona statui necessaria*. And if he is poor and needy, his destitution does not make it right to underpay him. To underpay him is to steal from him ; and this is one of the most common and most disgraceful forms of theft : the most common because it is found in every department of life : the most disgraceful because it is the most cowardly. But the very notion of a *justum pretium*, a fair wage, has died out of the popular mind, taught to regard human labour as mere merchandise. "There is no more a fair rate of wage," Professor Jevons assures the

* *Presidential Address to the British Association*, Economic Section, 1890.

readers of his *Primer*, "than there is a fair price of cotton or iron." * He adds the quite unnecessary caution, "If there is a supply of labour forthcoming at lower rates of wages, it would not be wise of the employer to pay higher rates." "Wise": well, doubtless there is a sense in which sweaters and rackrenters may be accounted wise in their generation!

The great economic problem of to-day is not production but distribution: a problem very slightly investigated by the Smithian political economists, but by far the more important of the two: for the real test of the prosperity of the commonwealth—let me again insist upon this—is not the luxury of the few, but the substantial comfort of the many. The question, How is a fair wage—a just share of the proceeds of their labour—to be secured for workers, is of vital moment to national well-being. John Stuart Mill wrote in 1869: "In the contest of endurance between buyer and seller [of labour] nothing but a close combination between the employed can give them even a chance of successfully competing against employers." † "Combination," echoes

* P. 61.

† *Dissertations and Discussions*, Vol. IV., p. 42.

Professor Sidgwick, "is in fact the only way in which the poor can place themselves on a par with the rich in bargaining." * But this weapon cannot be wielded save by the aristocracy of labour. It is beyond the reach of those unskilled toilers whose condition we have been considering.

"Freedom of contract," writes Mr. Commons, "is alone the legal right which enables the labourer to refuse to work except on terms which suit himself. It therefore gives him the right to exact, in return for the use of his personal abilities, a surplus of the social product above the minimum of subsistence. But for this purpose it applies only to organised and scarcity labourers: *i.e.* to labourers who are able, by limitations on their numbers, to keep their marginal utility above the minimum. The skilled, the intelligent, the educated, the gifted labourers, those in whom intellectual and moral qualities predominate, are benefited by the freedom of contract. But for the unskilled, the unorganised, the redundant labourers, those whose marginal utility is low, freedom of contract offers no help. Their condition is worse than that of slaves, for they may not even secure a minimum of subsistence unless they come upon the poor-relief. Freedom of contract is two-sided. It is freedom for the employer as well as for the labourer; and if the labourer is unable by it, or otherwise, to limit his numbers and maintain a high marginal utility, he cannot compel the employer to pay to him more than this marginal utility. The right of combination, therefore, in its influence on the distribution of wealth has a contradictory effect. It enables organised labour to limit their numbers arbitrarily, and thus raises their wages; but it thereby depresses the marginal utility of the unorganised.†

* *Elements of Politics*, p. 579. † *The Distribution of Wealth*, p. 75.

This very clear and scientifically accurate statement of the accomplished American Professor should surely lead any candid mind to doubt whether the principle of demand and supply working by competition, which is the one foundation of our modern economic system, is really all-sufficient. The commercialism to which it may be traced of course arose on the downfall of feudalism. But it is the direct result of the spurious individualism preached by Rousseau, and adopted as the central idea of the French Revolution, which broke up the old social framework, and treated civil polity as a chaos of unrelated human units. The Revolutionists, indeed, prated of fraternity and made it one of their shibboleths. In the political order it proved to be the fraternity of Cain and Abel. And that is precisely the spirit—"Am I my brother's keeper?"—which breathes through the economic speculations of the Smithian school with its postulates of free competition and *laissez-faire*, and its "law of the market which individual interest generates." Of course, competition is a necessary element in human life, and the source of much which is most valuable in civilisation. It should not be the sole mode of adjusting the relations between Demand and Supply. Human

society is not, and cannot be, an unrelated mass of human units. It is an organism: and in economics, as in other spheres, co-operation rightly claims a place: a larger place, indeed, than competition. Rivalry, contentions, strife are necessary in their way: but no less necessary are combination, agreement, union: no less necessary is the sense of right, of justice, embodied in the organised force of the State: no less necessary is the spirit of pity and compassion which animates the innumerable works of beneficence and charity.

But to pursue these topics would take me too far. The point immediately before us is, What can be done to redress the wrongs of our unskilled labourers? Can anything be effected for any of them by legislation? Mr. and Mrs. Webb, who speak on this subject with a knowledge to which few can pretend, answer that question with an emphatic affirmative. "We think . . . that there is no other way," they write, "of raising the present scandalously low standard of life in these classes." Founding themselves on the undeniable proposition that it is the duty of Government "absolutely to prevent any industry from being carried on under conditions

detrimental to the public welfare," they advocate the fixing of "a national minimum wage," which "should be determined by practical inquiry as to the cost of food, clothing, and shelter physiologically necessary, according to national habit and custom, to prevent physical deterioration." They are well aware that to a vast number "the idea will seem impracticable": and they answer, at considerable length, the objections made to it. I must refer my readers to their own lucid pages for their arguments. Here I can only note four facts upon which they lay stress: that "the authoritative settlement of a minimum wage is already daily undertaken, [as] every local body, throughout the country, has to decide, under the criticism of public opinion, what wage it will pay to its lowest grade of labourers": that "during the last few years, systematic determination of the rate to be paid for Government labour has been, more and more consciously, based upon the doctrine of 'a living wage':" * that "a national minimum wage is the obvious completion of factory legislation, at once logical and practical": † and that "the successful experiments of Victoria

* *Industrial Democracy*. Introduction to the 1902 edition, p. xli.

† *Industrial Democracy*, p. 774.

and New Zealand have proved to us that it actually works, and works well." * Surely those who maintain in the face of these facts, that the remedy of a national minimum wage is inapplicable, should seek to discover some more excellent way. Most surely the British Legislature may reasonably be expected to attend continually upon a question so vitally important, until "the wisdom of Parliament" satisfactorily solves it.

IX

But what the British Legislature may reasonably be expected to do, is one thing. What it is

* *Ibid.*—Introduction to the 1902 edition, p. liii. The reader will find details in Mr. and Mrs. Webb's pages. Here I can only give a brief extract concerning the Victorian legislation. "By the Factories and Shops Act, 1896, after a series of vain attempts to put down sweating by other means, special wage boards were constituted in certain oppressed trades. These were empowered to fix a minimum standard wage for the trade, for both factory and out-workers, by time and by the piece, and also the maximum number of apprentices or improvers under eighteen years of age, and the minimum to be paid to them. The Common Rules then prescribed for the trade became, in effect, part of the Factory Acts, and were enforced by the Factory Inspectors, like any other requirements of the Acts, by summary proceedings in the police courts. The Act only related to six specially sweated trades, and applied only to Melbourne and its suburbs. In 1900, after four years' experience, the law was widened in all directions. The powers of the boards were extended so as to cover practically the whole colony: nor were the employers themselves dissatisfied with the result."—Pp. xxxvii.-xxxix.

likely to do, is quite another. Can we venture to hope that it will interrupt the game of Ins and Outs to bestow its attention, to give its days and nights, to a most arduous problem, not easy to manipulate for the manufacture of party capital? Anyhow, one thing is certain. The classes who exist in luxury, or in substantial comfort, have, as a rule, no conception of the depth of degradation, moral and physical, in which millions of underpaid toilers live and die. And the first step towards the redress of this great evil of underpayment, is the clear exhibition of the two facts that it exists and that it is *wrong*, not, as the old Orthodox Political Economists taught, right. It is wrong that cheapness should be purchased at the cost of which I have exhibited some items. And for that wrong the men and women who now constitute the community—little as many of them may be personally to blame—have to answer. A nation, like each of the individuals composing it, is an ethical entity. They pass away: it remains: and in it their doing, good or bad—their *karma*, to use that pregnant word of Buddhism—lives on. The children inherit the merits of their fathers, and the sins of the father are visited upon the children, in the political

order as in the physical. We who are alive at this present are accountable for the economic conditions in which we find ourselves. We are accountable for that robbery of the poor and needy, because they are poor and needy, which is daily perpetrated on every side. Such robbery is accounted by the Catholic Church one of the sins that cry to heaven for vengeance. Let us not fondly imagine that it cries in vain. "The moral laws of nature and of nations," rule over us not only by their mandates, but also by their penalties—penalties which are not the less real because they are not to be discovered in the statute book. Justice, as I shall have to insist at length in the next Chapter, is, of its nature, retributive—a verity largely lost sight of, or disbelieved and even derided, in this age of sick sentimentalism, which, for the most part, is merely a form of selfishness. A community where millions are condemned to physical and moral degradation in order that the rich may be richer, the comfortable more comfortable—plundered by the employers who underpay them, by the retail tradesmen who overcharge them, by the landlords who batten on the exorbitant rents exacted for the miserable dwellings where they

are huddled together, and neglected in the sterile strifes of party janglings by the Parliament which should be “omnipotent to protect” them—such a community is heaping up unto itself wrath against the day of wrath. “It is unjust: it cannot last,” said the wise Duke of Weimar when the First Napoleon, at the zenith of his success, seemed “the foremost man of all this world.” Assuredly, we must say the same of “the shame of mixed luxury and misery which is spread over this land of England.”

CHAPTER VII

THE CRIMINAL QUESTION

I

“WORDS have grown so false I am loath to prove reason with them,” says the Clown in *Twelfth Night*. That this is true of the words “right” and “wrong,” was pointed out in the introductory pages of the present volume. It is equally true in respect of certain important words which will often recur in this Seventh Chapter. In dealing with the Criminal Question the Utilitarian School “eviscerates moral language of all its meaning.”

We still have with us and, no doubt, so long as the world lasts, we shall have with us, certain facts which are called “crimes” and certain persons who are called “criminals.” We have courts of what is called “justice,” in which suspected criminals are tried for their alleged crimes,

and by which, if convicted, they are sentenced to what is called "punishment." But what is the new theory now very confidently recommended to the civilised world, and accepted by a portion of it numerically not inconsiderable, as to "crime" and "criminals" and "justice" and "punishment"? It is, apparently, that "crime" is the misfortune, not the fault, of the "criminal"; that "punishment" is not what Milton called it, "law's awful minister," but merely an educative process designed to lead him, by calculations of self-interest, to cease from conduct generally destructive of agreeable feeling; while the idea of justice, in any intelligible sense of the word, disappears altogether, the tribunals which are supposed to administer it being regarded as simply preventive checks on abnormality. The newspapers, the debates in Parliament, the transactions of philanthropic societies of every kind, abound with evidence warranting what I say. I give a few specimens of it, taken almost at random.

In a debate in the House of Commons on May 20th, 1910, I find a member of that assembly, whose name is of no importance, expressing his hope that "the old feeling of a desire for revenge upon those who had offended against society was

fast disappearing"—I shall have occasion later on to say something about that "old feeling"—and instructing his fellow-legislators that the principle upon which our system of punishment should be based was that of reclamation. In one journal of name I read: "We expect prison authorities to improve a man, morally, mentally, and physically in confinement." In another, that "what we have to do is to maintain a just balance between deterrence and reformation, and to protect society by a wholesome consciousness of penalties, while developing what elements of good remain to the criminal." He proceeds to admonish us—as it were *ex cathedrâ*—"The old retributive theories of punishment stand condemned to-day as being not merely unscientific, but positively immoral," a declaration which inspires me with a desire to elicit, by some process of cross-examination, how this sage accounts of "science" and "morality." "A prison," he further pronounces, "should be a repairing shop for humanity"—the phrase is worth noting—"so long as repair is possible." Again, the author of a series of most interesting articles in the *Times*, entitled, "Prison Life and Administration," *

* Published on May 27th and 30th, June 1st, 3rd, 7th, 10th, 15th, 21st and 27th, 1910.

explains, with much fulness of detail, how this theory is carried out in our jails, and gives us an account of the way in which, to use his words, "that most comprehensive and complicated process which we call reformation of character," is undertaken there. This, in slightly compressed form, is what he tells us about that very important matter.

In the old days prison was primarily, as every one knows, an act of vengeance for wrong done, being, in short, only a substitute for the ear-cropping, nose-slitting, branding, and the rest of it dear to our rough-and-ready forefathers. All this has passed away with the one exception of the lash for mutiny and murderous assault in prison—a rare exception in these days. In place of punishment for punishment's sake there is useful, educative labour provided for all, from the lad who is sentenced to a week for skylarking against borough or county by-laws, to the recidivist doing years for manslaughter or worse. There is, moreover, direct encouragement and stimulus given for good behaviour and industry by the institution of the mark system, or, as it is termed, the "System of Progressive Stages."

"A prisoner," say the regulations, "shall be able to earn on each weekday eight, seven, or six marks, according to the degree of his industry. On Sunday he shall be awarded marks according to the degree of his industry during the previous week."

These "incentives to industry and good conduct" are the sign-manual of the authorities that they intend prison life to reform as well as to deter. In gaol a man is protected from himself. The keynote of the system is to remove from him any responsibility, except to behave and to do what he is told. He is placed in a groove, in

short, and so long as he runs smoothly along it he is safe. This is undoubtedly beneficial, up to a point. It teaches self-discipline and self-control. Criminals as a rule are impulsive, violent, and ill-ordered in mind or body—always excepting certain classes of hardened offenders. So it is well for prisoners to learn that hardness comes to those who kick, or sulk, or deceive, and advantage to those who obey, work hard, and do not shirk.

Such is the new theory of punishment ; and now let us examine it, first in itself, and then in its results.

II

First then as to the theory in itself. It rests upon the position that a prison—imprisonment is the only form of penal discipline which it will tolerate—is, as a writer whom I quoted just now tells us, “a repairing shop for humanity,” by which I suppose is meant a moral hospital. Surely that position is, in the highest degree, absurd. How can the denial of personal liberty and the companionship of outcasts, or even the torture of solitary imprisonment, be reformatory ? Reformation means—this is its only intelligible meaning—the conversion of the will from bad to good. But a sentence of imprisonment weakens

the will and impairs, very often hopelessly shatters, the power of self-control. The time spent in jail—even the very shortest time—is destructive of that self-respect which is produced by “a character to keep up,” as the phrase has it. The man who is sent to prison has thenceforward no character to keep up. As soon as he crosses the portal, over which might well be inscribed Dante’s terrible words, he may well abandon hope of ever again holding up his head among his fellows. He is no longer “a respectable man.” He has become a jail-bird; the taint of the prison-house, with its manifold degradations, is on him and will ever cling to him. His personality is well-nigh annihilated amid his contaminating surroundings—that personality which alone supplies the foundation whereon character can be built up. But it may be said, “You forget the chaplain, and the spiritual influences which he may bring to bear.” No; I by no means forget the chaplain upon whom, as the writer in the *Times*, just now quoted, well observes, “rests the chief responsibility of bringing into prison life that human sympathy and compassion, and brotherly helpfulness of strong personal intercourse, without which many a soul, stricken with remorse or depression, finds lonely

confinement, however humane, a living hell." But I know, from incontrovertible evidence, how evanescent the chaplain's influence is, in the vast majority of cases. The prisoner, once released, forgets the good and religious words which he heard gladly in prison. He is face to face with the stern realities of life : a convict, pitted against non-convicts in the struggle for existence : and what are his chances of earning an honest living, even supposing that he is inclined to try and earn it ? I make the qualification because there is terrible truth in the dictum "once a prisoner, always a prisoner." *Qui a bu botra*, says the French proverb, all too wisely. The chaplain's exhortations may have been sincerely welcome to him when the chaplain was his only "helper, friend, counsellor, and brother." But, as a Hindu scripture admonishes us, "A fact is not altered by a hundred texts," and the discharged convict is confronted by this primary fact that, in spite of benevolent societies, the world regards him with well warranted suspicion ; that the difficulties in the way of his resuming his old place among men, or even of coming within measurable distance of it, are enormous ; nay, he may well be tempted to say to himself, insurmountable.

The theory then that the prison is "a repairing shop for humanity," a moral hospital, is untrue. It is rather indeed a criminal factory, as is sufficiently proved by the fact that the vast majority of those whom it receives, leave it much the worse for their experience there. Münsterberg goes so far as to say, "Criminals are not born, but made; not self-made, but fellow-made." At least three-fourths—eighty per cent. is, I believe, a truer estimate—of those who have once been in jail return thither. The effort to reclaim burglars and thieves and loafers into skilled workmen by exhibiting honesty as the best policy, is a lamentable failure. The dominant desire of the average prisoner is to escape pains and penalties, to have as easy a time as possible while in jail, and to leave it as soon as possible. That he is justly expiating his offence against society, seldom occurs to him; how should it? The newspapers and magazines, if he is permitted to solace his captivity with them, for the most part agree with him that he couldn't help himself. The mealy-mouthed philanthropies, so much in vogue at the present day, tell him that he is a mere victim of circumstances. It is clear that he must be so accounted if he had no power to refuse the evil and to choose

the good : if free will is an objective and subjective delusion. He is drunken, idle, cruel. Is that his fault ? Nay, he might quote Shakespeare, if he happens to have so far profited by the prison library as to have looked into that poet :

“ Alas ! our frailty is the cause : not we ;
For, such as we are made of, such we be.”

Such and no other. And so he comes to the conclusion that his punishment is not just but unjust—a conclusion drawn reasonably enough from the premises with which determinism supplies him. For assuredly it *is* unjust to punish a man for being what he cannot help being, for doing what he cannot help doing. Poor victim of temperament, of heredity, of environment, he deserves not blame but pity. And he gets it. Fifty years ago Balzac wrote : “ Crime has been made poetical : tears are drivelled over assassins.” True as these words were when they were written, they are even truer now.

III

So much as to the new theory of criminality. And now let us turn to the old which, differing from

the accomplished journalist whom I quoted a few pages back, I take to be both scientific and moral, and the alone scientific and moral. The primary foundation of the right to punish is not the desire for the reformation of the criminal, or for the protection of society. No ; the primary foundation of the right is justice, of which let me once more recall Ulpian's definition—it is not likely to be bettered—"the constant and perpetual will to render to each his right (*jus suum*).” The penalty inflicted on the wrong-doer is his right. It is what is due to him ; what is merited by his wrongful act ; the wages of his criminous deed. It is fully warranted, nay, is persistently demanded by that great organic instinct of retribution which is implanted in our conscience, and which, however much we try to expel it by any force of sentiment or sophistry, is sure to come back. And so Aquinas : “The law of nature”—the law arising from that supreme reason which is the nature of things—“proclaims that he who offends should be punished.” * It has been finely remarked by Dr. Martineau : “The conscience of mankind refuses to believe in the ultimate impunity of guilt, and looks upon the flying criminal

* *Summa Theologica* : I, 2, q. 95, a. 2.

as only taking a circuit to his doom.”* Yes; “the conscience of mankind.” The instinct of retribution is universal; it is common to the rudest and the most highly cultured of our race; more, it extends throughout the whole realm of animate existence below us, and above us even to the Infinite and Eternal himself, who is revealed to the individual soul as *Deus Ultionum*; the God to whom vengeance belongeth. It was this instinct which led “the barbarous people” of Melita, when the venomous beast fastened on the hand of the shipwrecked St. Paul, to see in him a murderer whom, though he had escaped the sea, retributive justice † suffered not to live. It is this instinct which has inspired one of the finest of Plato’s *Dialogues*, whereof more presently. The non-recognition of it, in our age, is among the worst consequences of the Utilitarian philosophy which, while calling itself scientific, ignores the facts of human nature irreconcilable with its ignoble speculations; which, while claiming to be ethical, puts aside the determinations of conscience, upon which alone morality can be established. “All through my day,” Cardinal Newman complained,

* *A Study of Religion*, Vol. II., p. 46.

† “Vengeance” in the Authorized Version and “ultio” in the Vulgate, both correctly enough rendering the Greek *δίκη*.

in words well worth recalling, "there has been a resolute warfare, I had almost said conspiracy, against the rights of conscience. . . . We are told that conscience is but a twist in the primitive and untutored man; that its dictate is an imagination; that the very notion of guiltiness which that dictate enforces, is simply irrational, for how can there be freedom of the will, how can there be consequent responsibility, in that infinite eternal network of cause and effect, in which we helplessly lie? and what retribution have we to fear when we have no real choice to do good or evil?" *

But let us go back to Plato and his doctrine of retributive punishment. He too finds, like "the barbarous people" of Malta, that it is a part of justice. Punishment, he teaches in the *Gorgias*, is another name for being *justly* corrected; and those who rightly punish others, punish them in accordance with a certain rule of justice. Injustice is an evil. Punitive justice acts as "a moral medicine," † delivering from that evil the soul corrupted with it ‡: for he who makes

* *Letter to the Duke of Norfolk*, § 5.

† 'Ιατρική γίνεται πονηρίας ἢ δίκης. I am indebted for the admirable rendering, "a moral medicine," to the late Master of Trinity, Dr. Thompson. See his edition of the *Gorgias*.

‡ Κακίας ἄρα ψυχῆς ἀπαλλάττεται ὁ δίκην δίδους.

expiation thereby pays the debt due for his unjust deed, the penalty contracted by his crime ; and thus he who is punished and suffers retribution, suffers that which is good, namely justice ; and so Plato concludes, " that to have one's punishment * is the best thing that can happen to the transgressor, since not to have it perpetuates the evil." " The doer of unjust actions," he writes, " is miserable in any case ; more miserable, however, if he be not punished, and does not meet with retribution ; and less miserable if he be punished and meets with retribution at the hands of gods and men." The whole argument is founded on the retributive character of punishment, and the debt incurred by wrong-doing. And who that will not shut his eyes to the plainest facts of human nature can deny its cogency ? To quote again Dr. Martineau, whose words burn with the eloquence of truth, " When the conscience shivers in the returning shadow of old sins ; when, not having suffered enough at the hands of circumstance, it plunges into self-inflicted

* Literally to get justice : *δίκην ἔχειν*. I confess that the philosophers and tragedians of ancient Hellas seem to me to be, for the most part, on a far higher moral level than most of the ethical teachers who are heard so gladly at the present day. They believed in justice—retributive justice—as a primordial law : in divine right, clothed with divine might, as a ruling principle in the world.

penances ; when, oppressed for half a lifetime by the secret of unsuspected crime, it makes spontaneous confession at the last, *that it may not miss its righteous retribution*, these superfluities of anguish . . . are among the most pathetic and solemn of human experiences ; not as pitiable infirmities but precisely because they are the outburst of a truth, and the self-vindication of a moral law which resolution cannot suppress or weakness defy." *

It is from this moral law that we derive the right to punish. The first fact about man is his consciousness of that law and of his obligation to obey it—he is an ethical animal. But, as Kant admirably remarks, " There is something in the idea of our practical reason which accompanies the transgression of the moral law, namely, the feeling that the transgression merits punishment." † The connection between wrong-doing and penalty is not accidental, but necessary ; it rests on reason. The very words, " law " and " obligation," imply a penal sanction. A so-called law which may be broken with impunity is no

* *A Study of Religion*, Vol. II., p. 41. The italics are mine. It is a fine saying of Leibnitz that in virtue of the laws of nature every evil-doer is a Self-tormentor.

† *Kritik der Prak. Vernunft*, 1st Part, Book I., § 8.

law at all. Punishment is involved in the transgression of law ; it is, in Hegel's phrase, " the other half of crime." Wrong-doing is the assertion of a man's own unreasonable and evil will against the Universal Will, which is Supreme Reason, Supreme Right, for reason and right are synonymous. Penalty is the re-assertion of the Universal Will. It is not a wrong done to the criminal. No ; according to Plato's admirable teaching, at which we have glanced, it is a right done to him—a right due to him as a person, that is a moral being ; it is the application of justice to him ; it is, in St. Augustine's fine phrase, " the justice of the unjust." Man in society—and out of society he does not exist—lives with certain laws of right and wrong, which are the very conditions of human fellowship. To infringe them is to commit an offence against, to incur a debt to, the commonwealth. Justice requires that the debt be paid, that the offence be expiated. And the first end of punishment is the payment of that debt, the expiation of that offence. Crime, in the language of scientific jurisprudence, gives rise to a *vinculum juris* which punishment discharges. It is the legal consequence united to the legal cause, by a rational

necessity, a necessity arising from the nature of things. And the ministration of retributive justice, the vindication of outraged right, is the highest function of the civil ruler. Hence it is that St. Paul was led to contemplate him as the representative, the vicegerent, of the Supreme Moral Governor of the Universe ; as “ the Minister of God, a Revenger to execute wrath upon him that doeth evil,” * the wrath being that which is due to the wrong-doer. “ Punishment,” says Kant, “ must be justified *as* punishment, that is a mere evil for its own sake : so that the punished person, when he looks thereon, must himself confess that right is done to him, and that his lot is entirely commensurate with his conduct.” †

IV

I very strongly hold then that punishment is what Dr. Johnson defined it, “ any infliction

* *Contra*, a writer in the *Spectator* of July 31st, 1910: “ It must not be supposed that we favour, in any degree, the idea of vindictive punishment. . . . It is no business of the State to usurp or parody the office of the Almighty. . . . The concern of the State is solely to prevent the commission of crime.” The able writer who thus speaks, as it were pontifically, with all the authority of the editorial “ we,” must pardon me if I prefer St. Paul’s doctrine to his. Am I told that St. Paul is out of date as an ethical teacher? Well, at all events, Kant is not.

† *Kritik der Prak. Vernunft*, 1st Part, Book I., § 8.

imposed in vengeance for a crime ;” that it is, first and beyond all things, vindictive. To deny to it this characteristic, seems to me to empty it of its vivifying idea, to rob it of its dignity in the life of man, to degrade it to mere brute force. I of course recognise—who does not ?—that it is also deterrent. Aristotle’s words that “ the bulk of mankind do not abstain from evil because it is wrong, but because of punishment,” * are as true now as they were when they were written, and ever will be true. Regarding the reformatory agency of punishment, we must speak with much more caution. There is, indeed, one penalty which no doubt often does work the moral reformation of the criminal ; which converts his will from bad to good. That is the penalty of death. Green well observes, “ If a true social necessity requires that the criminal be punished with death, the fact that society is obliged so to deal with him, affords the best chance of bringing home to him the anti-social nature of his act.” † Experience proves that this is so. The certainty of impending execution often works a great and rapid change in the inmost

* *Nicomachean Ethics*, X. 9.

† *Works*, Vol. I., p. 516.

being of the assassin, a fact which did not escape the keen eyes of Schopenhauer. "When [condemned criminals] have lost all hope," this profound student of human nature writes, "they show actual goodness and purity of disposition, true abhorrence of committing any deed in the least degree bad or unkind; they forgive their enemies and die gladly, placidly, and happily. To them in the extremity of their anguish the last secret of life has revealed itself;" * they obtain "a purification through suffering."

I do not think that this reformatory character can be largely attributed to any other punishment. As regards imprisonment, there is overwhelming evidence of its failure to reform. I have already observed that our jails must be regarded rather as criminal factories than as "repairing shops for humanity." There is, indeed, one punishment, now, unfortunately, seldom employed, which we may well believe to rank next to the punishment of death as a means of reformation. I mean the punishment of flogging.†

* *Die Welt als Wille, etc.*, Vol. II., Book IV., p. 465.

† Of its *deterrent* effect, regarding which there can be no question—those who are most reckless in inflicting pain are usually most cowardly in shrinking from it—an admirable illustration is afforded by the policy of Count Christiani, who was appointed Grand Chancellor of Milan about the middle of the eighteenth century. On assuming

Reason clearly points to its employment in a certain class of crimes—crimes callously committed with an entire disregard of the physical suffering caused by them to the innocent. Justice requires that these should be expiated by the physical suffering of the culprits, for the great rule underlying the infliction of punishment, whether we regard the matter philosophically or historically, is the *lex talionis* : the requital, so far as humanity allows, of the offender's deed upon himself : or as the vulgar phrase is—the very voice of human nature speaks through it—the paying him out in his own coin. Examples of such crimes are aggravated assaults and batteries causing grievous bodily harm ; outrages on the modesty of women ; the barbarous treatment of children ; gross cruelty to animals. Men guilty of such atrocities should unquestionably be subjected to the lash, as the most effective instrument of returning upon themselves the suffering caused by their evil doing ; as the best way of enabling them to reconcile themselves with justice by paying the debt which their unjust act has incurred. Nor let it be said that this is to return evil for

office he found the city terrorized by the use of the knife and dagger in private quarrels. He suppressed this species of crime by the simple expedient of sentencing all convicted of it to be severely flogged.

evil. It is to return good for evil. The highest good which can be rendered to the unjust is justice, and soundly to flog a garroter is to do him the greatest service possible. It restores him to the moral universe. It may prove—as a matter of fact it often has proved—a powerful deterrent from garroting in the future. It may conceivably induce salutary reflections which will convert his will from bad to good. Am I here met with the objection—it is a very common one—that flogging brutalises the criminal? If so, I will reply in the words of my old friend and master, Sir Henry Maine: “I, for my part, must confess that I do not even understand what the objection means. What,” as this great jurist went on to ask, “What is intended when it is said that flogging brutalises? Is it that it appeals to the offenders’ animal nature, as distinguished from his moral nature? That it causes, in short, physical pain? Why every punishment, deserving the name, inflicts physical pain. If you shut a man up in jail who is used to the open air, if you deprive him of stimulants when he is habituated to them, if you make him work when he is accustomed to be idle—in all these cases, you inflict physical pain, and sometimes pain even severer

than the pain of a flogging. . . . When you sentence a criminal to imprisonment you deliberately make up your mind to render him extremely uncomfortable ; and, for my part, I cannot in the least understand why one form or degree of physical pain should brutalise more than another." * To this I entirely consent ; and I would gladly see the liberal employment among us of the punishment of whipping, introduced, with very salutary results, into India by Sir Henry Maine's Act. I seem to hear a cry protesting against such an infringement of human dignity. Human dignity ! The dignity of the souteneur convicted of maiming the unhappy girl who would no longer prostitute herself to maintain him in idleness and drunkenness ! Of the burglar guilty of braining the defenceless old man whose property he had stolen ! Of the band of ruffians proved to have set upon a solitary police-constable and to have beaten him well-nigh to death ! Talk about the dignity of these malefactors simply nauseates me. " Public opinion in this country will not suffer the reimposition of corporal punishment," I am told. I can only reply, " So much the worse for this country,"

* *Life and Speeches of Sir Henry Maine*, p. 122.

and call to mind Chamfort's question : " Combien de sots faut-il pour faire un public ? " It is all a product of what Carlyle has well called " the sick sentimentalism which we suck in with our whole nourishment, and get ingrained into the very blood of us in these miserable ages ; " a sentimentalism which is one part of the gigantic legacy of evil left to the world by Rousseau. If I may again cite one whom I must needs regard as among the most considerable of our recent ethical teachers, I would ask the reader to ponder those grave words of Dr. Martineau : " The benevolent aversion to the spectacle of suffering is not worthy to assume an absolute ascendancy in any spiritual nature. Wherever it completely dominates within us, we are enfeebled for our trusts : the nerve of authority is relaxed : stern responsibilities are declined : and in education, in government, in the whole administration of life, peace and good-will are purchased at the price of indulgence." * In the instance before us, indeed, it is not peace and good will that are purchased but immunity for—

the beast that takes
His licence in the field of time,
Unfettered by the sense of crime,
To whom a conscience never wakes.

* *A Study of Religion*, Vol. II., p. 45.

V

There are two more points which I ought to touch upon before I end this Chapter. One of the worst blots upon the existing administration of the criminal law is the great inequality of sentences. The true principle is laid down in Kant's well-known dictum, "that every punishment must be rigidly just, because justice is part of the idea of punishment." But with us punishment seldom even approximates to rigid justice, and is frequently flagrantly unjust. There is no uniform penal standard; there is not even any attempt at such a standard. It is often, as the phrase goes, "a toss up" whether a criminal is condemned to six months' imprisonment or to six years' penal servitude for the offence of which he is convicted. One reads occasionally of sentences which are nothing short of barbarous. I remember one such which completely astonished me. It was the case of an ex-Army surgeon, who was condemned at Quarter Sessions to five years' penal servitude for obtaining a sovereign by false pretences—his first offence—the Chairman, a noble duke, justifying this irrational severity by the irrational explanation that he

was "determined to make an example." On the other hand, the writer in the *Times* on "Prison Life and Administration," whom I have several times quoted in the course of this Chapter, tells us :—

I was prosecuting a man for stealing a short time ago. It was a petty theft, but the record of the thief showed him to have been continually thieving for many years past. The magistrate, a London stipendiary, after ably dealing with the evidence, sentenced him to three months, with the careless remark that next time he was caught he would be sent to the Sessions. Doubtless the sentence was correct *in law* ; but the ghastly mockery of so dealing with a creature who, as I discovered afterwards, was steeped in criminality and had no more business to be allowed loose than a mad dog or a homicidal lunatic ! *

* Such ghastly mockeries are very common. One is supplied by a case reported in a newspaper which lies before me as I write. A man was convicted at the London Sessions of obtaining money from a number of chauffeurs to whom he falsely pretended that he would obtain situations for them in South Africa. A detective officer gave the following account of the prisoner's career :

"He had been four times convicted, having undergone fifteen months' imprisonment for forgery. He had also been dealt with for representing himself as a police officer, and for theft at Cape-town. In July, 1909, he represented himself as a man of means and made the acquaintance of a respectable servant girl and married her. He went to South Africa as a servant to a lady, who paid his fare home on becoming dissatisfied with his services. By representing that he had returned from South Africa with a quantity of valuable diamonds he attempted to obtain the lease of a house at Ealing rented at £65, and furniture worth £131. Some years ago he was in the Royal Navy, but deserted."

What does the reader suppose was the sentence passed upon this incorrigible rogue? Twenty-three months' hard labour ! In less than two years he will be set free to begin again his life of crime.

VI

Those last words bring me to my second point. There exists in this country a criminal class—burglars, forgers, coiners and the like—who have taken up burglary, forgery, coining, and other crimes as their regular means of livelihood. No one of these thinks of abandoning the career thus chosen by him, with its excitement and adventures and its big rewards to the successful, for the trivial round, the common task of the labourer or petty huckster's existence. The lives of these professional offenders — so we may call them—are a perpetual warfare against society. They find their way, from time to time, to jail where they are well fed and well doctored, and at the expiration of their sentence they go forth, physically rehabilitated, to continue their campaign against the honest people who pay immense sums to the police for watching, and, if possible, recapturing them. I call this a colossal scandal upon our civilization. It has been said, and truly, "Half the people in prison ought never to have been sent there,* and the other half ought

* In the year 1908, of the 250,000 inmates of our jails, about 95,000 were sent there for inability to pay a small fine, on its imposition : in

never to be released." If anything is beyond controversy it is that common sense—to say nothing of elementary justice—demands the perpetual seclusion of these degenerates, hardened offenders, irreclaimable irreconcilables—call them what you will. As I have written elsewhere :—

"A third conviction at the Assizes or at Quarter Sessions should stamp a man as an habitual criminal, who, for the rest of his life, should forfeit his personal liberty, and should be reduced to a state of industrial serfdom. Nor would there be any real hardship in this. On the contrary, it would be a positive gain to such offenders. If they reform at all, they reform while under penal restraint. When left to themselves they, almost invariably, fall away." *

VII

One word more. The whole question of criminality depends upon the will. The psycopath and the voluntary offender belong to different classes. I am far from denying that there are among malefactors some — perhaps many — who are worthy objects of pity. They are not all

other words, for their poverty. I understand that it is proposed to remedy this monstrous wrong by legislation which will give to all persons fined a fair opportunity of finding the money before they are imprisoned in default of payment.

* *First Principles in Politics*, p. 308.

clever and designing rogues or reckless and violent ruffians. No ; there are those who, in Swift's phrase, "through weakness stepped aside"—average people conquered by bad conditions, crushed out in the struggle for existence, in that free and unregulated competition which the Orthodox Political Economy proclaims as the law of human life, whereas it is, in truth, the law of hell. Again, there are those who are innately abnormal, in whom the moral sense is inchoate, in whom the will is well-nigh powerless. All possible means—it is unnecessary that I should here discuss details—should be adopted to keep these unfortunate people out of jail, where by the contamination of their surroundings, what is good in them will be utterly blighted, and what is evil rankly developed. Again, there is the case of juvenile criminals, which happily has of late years received so much attention. It seems at last to be recognised that to send to jail a boy or girl convicted of some trivial offence—the result, very often, of thoughtlessness rather than of malice prepense—is in itself a crime against humanity. It is not easy to overrate the good done by the Borstal Association,* the last

* It may not be amiss to give here an extract from *The Prevention of Crimes Act*, 1908. Section 1 provides as follows :

"(1) Where a person is convicted on indictment of an offence for

Report of which lies before me. It appears that in the year ending March 31, 1910, two hundred and thirty-six boys and five girls were received by the Association on their release from Borstal institutions. Of these one hundred and ninety-one were provided with clothes and, in many cases, with tools, were placed at work, and had their wages supplemented, to begin with, when necessary; twenty-eight were provided with clothes, and arrangements were made with former employers and relations for their employment. Six could not be helped; eleven refused help. Five girls were placed in homes. Of the two hundred and forty-one, one hundred and sixty-eight were known to be doing well

which he is liable to be sentenced to penal servitude or imprisonment and it appears to the Court (1) that the person is not less than 16 nor more than 21 years of age; and (2) that by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the Court, instead of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal institution for a term of not less than one year nor more than three years, provided that before passing such a sentence the Court shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the case for treatment in a Borstal institution, and shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

in May, 1910, and sixteen were believed to be doing well. Seven were lost sight of, twenty were unsatisfactory, and thirty had been reconvicted.

The net result would seem to be that some two hundred young people were rescued from the contamination of prison life and sent to make their way honestly in the world. It is much and, as we may reasonably hope, it is the presage and the promise of widely increased endeavour upon the same lines. As we read this Report of the Borstal Association we may well thank God and take courage.

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